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MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS.DEFENDANTMajor Gen. SHOJI Toshishige,
of the Imperial Japanese Army attached to
1 Bn Devonshire Regt.DATE AND PLACE
OF TRIAL.10, 11, 12, 13, 14,
17 March 1947 Hong Kong.COURT CONVENED BY

Comd Land Forces, Hong Kong.

PRESIDENT

Lt.Col. R.C. LAMING

Dept of JAG INDIA.

MEMBERSMajor J.T. LORANGER
Capt K.R. BUSFIELDJAG Branch Canadian Army
RAC.CHARGECOMMITTING A WAR CRIME, in that he at HONG KONG
between the 17th and 26th December 1941, when
Commanding Officer of the 230th Infantry Regiment
of the 38th Division of the Imperial Japanese Army,
was, in violation of the laws and usages of war,
concerned in the illtreatment and killing of
British, Canadian, Chinese and Indian troops and
Red Cross personnel after they had been taken
prisoner of war.PLEA

Not Guilty

FINDING

Not Guilty

SENTENCECONFIRMEDPROMULGATEDREMARKSDISPOSAL OF
PROCEEDINGS

To AG 3 GHQ SEALF

JAG of the Forces

11 August 1947

24 August 1947

DJAG SEALF
Case No. 65205 JAG.

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BM/JAG/65205,
General Headquarters,
South East Asia Land Forces.
22nd May, 1947.

Commander,
Land Forces Hong Kong.

Subject:- War Crimes Trial

Reference the proceedings of the trial of Maj. Gen.
SHOJI Toshishige of the Imperial Japanese Army.

1. The accused was charged with committing a war crime
particulars of which are set out in the proceedings. He was
acquitted.

2. The facts of the case were briefly as follows:

Between 17 - 26 Dec '41 the accused was in command
of No. 230th infantry unit which was one of the units which
attacked and captured Hong Kong. British, Canadian, Chinese
and Indian troops were captured and when they were being
assembled four of them were bayoneted and killed by the Japanese
escort. About 200 Ps.O.W. were imprisoned in a small hut
and there was not sufficient space for them to lie down.
During the early morning of 20 Dec '41 the hut was hit by
British trench mortars and several of the Ps.O.W. were killed
or wounded. Those that tried to leave the hut were bayoneted
and killed by the sentries. Those that were able to walk
were subsequently marched to North Point. Those that were not
fit were left in the hut and have not been seen or heard of
since, by any of the witnesses for the prosecution. While on
the march one P.O.W. fell out and was bayoneted and killed by
one of the escort. A party of St. John's Ambulance bearers
wearing Red Cross brassards came out of their shelters and
surrendered; every one of them was killed by the Japanese.
A party of R.A.M.C. came out of an A.D.S. to surrender; they
were beaten, tied together and their Red Cross brassards torn
off. Ps.O.W. were forced to walk with bare feet. The
prosecution alleged that the troops which committed the atrocities
belonged to the 230th infantry unit, and called witnesses to
support this allegation and produced photographs and a map.

3. At the close of the prosecution case the defence submitted
that no prima facie case had been made out to support the
charge against the accused. It was not disputed that
atrocities occurred but the defence argued that there was
no evidence to prove that they were perpetrated by troops
of the accused's unit.

Having heard this submission and the prosecutor's
reply the Court decided to allow it.

4. The proceedings do not of course require confirmation
but you should initial column 5 of the schedule in token of
your having seen the result of the trial.

FGTD/RRH

DJAG, South East Asia Land Forces.

M/V *W*

Brigadier,

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Army Form A-4
(adapted)

**FORM FOR ASSEMBLY AND PROCEEDING OF
A MILITARY COURT FOR THE TRIAL OF WAR CRIMINALS.**

A—Order convening the Court.

At **Hong Kong** this *7th* day of **March** 194*7*. *Page 2*

Whereas it appears to me, the Commander Land Forces, Hong Kong, an officer empowered in this behalf by warrant of the Commander in Chief, Allied Land Forces, South East Asia, in pursuance of Regulation 2 of the Regulations attached to the Royal Warrants dated 14th June and 4th August, 1945, that the persons named in the annexed Schedule have committed the war crimes mentioned therein, I hereby convene a military court to try the said persons, and to consist of

President.

Lt Col. R.C. LAMING

Dept of JAG INDIA

Barrister-at-law/~~Solicitor~~ *Page 2*

Members.

Major J.T. LORANGER

**JAG Branch
CANADIAN ARMY**

Capt M.R. BUSFIELD

RAC

Waiting Members

(Signed) *Chap. P. K...*

MAJOR GENERAL
Commander Land Forces, Hong Kong.

(Convening Officer).

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SCHEDULE.

Number, rank name and unit of accused.	War crime charged.	Plea.	Finding and, if convicted, sentence.	How dealt with by confirming officer.
Maj. Gen. SHOJI Toshihige of the Imperial Japanese Army attached to 1 Bn Devonshire Regt. <i>Guilty</i>	COMMITTING A WAR CRIME in that he at HONG KONG between the 17th and 25th December 1941, when Commanding Officer of the 230th Infantry Regiment of the 38th Division of the Imperial Japanese Army, was, in violation of the laws and usages of war, concerned in the ill-treatment and killing of British, Canadian, Chinese and Indian troops and Red Cross personnel after they had been taken prisoner of war.	NOT GUILTY	NOT GUILTY	<i>BRIGADIER COMMANDER LNOB LNOB 3/1/42</i>

(Signed).....

MAJOR GENERAL
Commander Land Forces, Hong Kong.

Convening Officer.

(Signed).....

Lieutenant Colonel

President.

No 5 War Crimes Ctr

Hong Kong

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Lt-Col Laming,

Trial of Maj-Gen Shoji Toshishige

First Day

Monday, March 10th, 1947.

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NO. 5 WAR CRIMES COURT.

Held at Jardine Matheson's East Point Godown on MONDAY,
March 10, 1947.

(Trial of MAJ.-GEN. SHOJI TOSHISHIGE of the Imperial Japanese
Army).

COMPOSITION OF COURT.

President: Lieut-Col R.C. Laming, Barrister, (Dept. of the
JAG India);

Members: Major J.T. Loranger, (JAC Branch, Canadian Army);
Capt. K.R. Busfield (RAC).

Prosecutor: Major G.B. Puddicombe, ^{K.C.} Advocate, (The Victoria
Rifles of Canada).

Defending Counsel: Mr Takano Junjiro (Japanese Barrister);

Adviser to
Defending Counsel: Capt. J.N. Whitehorn (Intelligence Corps).

assembled R.C.

The Court sat at 1100 hours.

The Convening Order was read in the presence of the Accused.

The President and Members were sworn.

The shorthand writers, monitor and interpreters were
sworn or declared *affirmed. R.C.*

The Accused answered to his name.

The President read the charge to the Accused.

President: Maj.-Gen. Shoji Toshishige, are you guilty
or not guilty of the charge which you have just heard read?
Accused: I plead not guilty, Sir.

President: Mr Takano, do you wish to apply for an
adjournment on the ground that any of the regulations relating
to procedure before trial have not been complied with and that
you have been prejudiced thereby or on the ground that you
have not had sufficient opportunity for preparing your defence?
Mr Takano: I am prepared to proceed with my case, there-
fore I will not ask for an adjournment. There is one applica-
tion I wish to make, however, and that is, I have applied to
have some affidavits sent from Japan which have not arrived
yet.

President: I think, Mr Takano, when the time comes for
you to open your defence you will be at liberty to apply for
adjournment on that point if your affidavits have not arrived
by then, provided they are essential to your defence.

President: Major Puddicombe, do you make an opening
address?

Maj Puddicombe: Yes, Sir.

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The Prosecutor makes his opening address to the Court, and then hands it in to the Court, initialled by the President, marked "E" and attached to the proceedings.

Prosecutor: If I may proceed with your permission and that of my learned friend, I will produce myself as a witness to depose to some photographs.

P.W.NO.1 - MAJ G.B.PUDDICOMBE

After the Witness had been sworn, he testified as follows:

President: Will you tell the Court your full name, rank and appointment?

Witness: George Beverley Puddicombe, Major, officer-in-charge Canadian War Crimes Liaison Section, Hongkong detachment, and presently Prosecutor in the present case. I now produce two folders of photographs numbered from one to nine. No. 1 is a photograph taken by me -- it is actually two photographs joined together -- showing the panorama of the south end of Wongneichong Gap, the five-point cross-roads being 1½ inches from the right of the photograph and 2 inches from the bottom. No. 2 is also Wongneichong Gap, showing the west side of Mount Nicholson together with the finish of the circular Sir Cecil's Ride drive. This photograph was also taken by me. Photographs 3 and 4 are the east side of Wongneichong Gap, No. 3 showing the elevation known as Jardine's Lookout and the road or path known as Sir Cecil's Ride. Photographs 5, 6 and 7 I will ask the Court to take note of together. These were also taken by me. No. 5 shows Stanley Gap road leading east from the five-point cross-roads. The retaining wall of the reservoir can be seen. The purpose of this photograph and the other two is to show the position indicated by photo No. 7. No. 6 is a photo taken above the reservoir shown in No. 5, that is, well to the south and high up the hill. It will be noted the same small building which appears in No. 5 also appears in No. 6.

President: Will you give the Court some idea where this small building appears?

Witness: If you look at No. 5 it is just to the left of the centre and almost at the top of the picture and just below the skyline. It appears in No. 6 about 1½ inches to 2 inches to the left side of the picture and about the same distance down. A portion of it is hidden by the shoulder of the hill which appears in No. 5. As has been said, the purpose of the two pictures is to show around the corner of the building indicated and it was necessary to go a considerable way further from Stanley Gap road and mount the hill. No. 7 is the point that I am endeavouring to show you, the curve just past the building, that is, it can just be seen at the point where No. 6 picture was taken but cannot be seen from the other side of the road. No. 9 is a picture of Wongneichong Gap taken from Stanley Gap road looking north. The Court will note the building almost immediately in the centre of the picture and the roadway running in front of it and the roadway running just to the left. Picture No. 8 was taken by Mr L.C. Smith in my presence and at my request. It is a picture of an inscription on a wall, that is, a chopped inscription on the wall of what appears to be a cement chamber in the hill which might have been used as an ammunition dump or something of that kind, and that position is the one indicated in the opening address as being in the vicinity of the Canadian headquarters. Canadian headquarters can be seen in picture No. 2, a point about two inches from the right hand edge and 2½ inches from the top. You can see a little

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EXAMINATION OF P.W. NO. 1 - MAJ G.B. PUDDICOMBE (Cont'd).

white mark there. That is the cement structure on the hill.

President: You certify that all these pictures in the folders except the one taken by Mr Smith were all taken by yourself?

Witness: Yes.

President: When were they taken?

Witness: Taken within the last month. I cannot give you the exact date.

Cross-examination declined.

A double folder containing a set of nine photographs in the Wongneichong Gap area, taken and produced by Major Puddicombe, is handed to the Court, initialled by the President, marked "F" and attached to the proceedings.

P.W. NO. 2 - CAPT E.C. WATSON

After the Witness had been sworn, he was examined by the Prosecutor, as follows:

EXAMINATION BY PROSECUTOR:

Q. Will you tell the Court your full name?
A. Edward Charles Watson.

Q. Your occupation?
A. Captain, general list, attached to No, 14 team, Hongkong War Crimes.

Q. Do you know the accused?
A. I do.

Q. In what connection have you known him?
A. As Major-General Shoji Toshishige.

Q. Will you tell the Court of any incident that you know of in respect to Major-General Shoji which has taken place since he came to Hongkong?

A. On November 8, 1946, I went to Stanley Gaol and interrogated the accused and during the course of the interrogation, he gave me information that in a dugout in Wongneichong Road there was an inscription made by one of his officers by the name of Okada.

Q. I now hand to you a copy of the summary of examination of yourself which is No. 1 in the folio I have handed in to the Court. Will you tell the Court of the Japanese characters which appear there ^{and} of copies of the characters which you mentioned as having seen there.

President: Before we go ^{on}, there is one point I wish to clear up. You are now going to hand in the originals as exhibits. Has the defence got copies?

Prosecutor: Yes.

President: So what we have is entirely independent of what the defence has?

Prosecutor: I think they have everything I have handed in.

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EXAMINATION OF P.W. NO. 2 - CAPT E.C. WATSON (Cont'd).

A. The characters on this statement were copied onto this statement by Major Chan of the War Crimes Team and were copied from an original I have in my note-book and made by Sgt-Major Hamidon.

Prosecutor: Do you want that as an exhibit, Sir? They are all originals, I think. They are all signed by the witness.

President: You have not yet proved the witness has ever seen the inscription referred to.

Prosecutor: I think he has said ^{see} that he saw it.

President: Where and how did he see it? Will you let the witness describe where and how he saw it?

Witness: When I was interrogating the accused in Stanley Gaol on November 8 last year, he gave me information that one of his officers had marked an ~~inscription~~ inscription on the side of a dugout on the top of Wongneichong Gap. On November 18, the accused was taken out and he led me to the spot and pointed out the inscription.

President: What did you do after seeing the inscription?

Witness: A copy of the inscription was made by Sgt-Major Hamidon and this was in turn copied onto my affidavit by Major Chan of the War Crimes Team.

President: In both cases, was this done in your presence?

Witness: In my presence.

President: Do you certify to the Court that these characters here on the affidavit are a true copy and reproduction of the characters you saw yourself on the wall of the dugout?

Witness: To the best of my knowledge, they are.

President: Was this inscription translated to you?

Witness: It was translated on return to the War Crimes Office.

President: Who translated it?

Witness: Sgt-Major Hamidon.

Prosecutor: With the Court's permission and with the permission of my friend, I will have Sgt Ito translate the inscription.

President: I think that will be much more satisfactory.

The Prosecutor then continued his examination:

Q. I show you now a folder of photographs and ask you to tell the Court any one of them you recognize yourself. Please refer to them by numbers.

A. Photo No. 8 is a photograph of the inscription which has just been mentioned.

The summary of the examination of Capt Edward Charles Watson is handed to the Court, initialled by the President, marked "G" and attached to the proceedings.

Q. Will you now produce the affidavit of Thomas George Marsh?

A. The affidavit I now hold in my hand was made by Sgt Thomas George Marsh of the Winnipeg Grenadiers.

Q. It is an original affidavit?

A. Yes.

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EXHIBIT 10 C.P.F. NO. 2 - CAPT E.J. WATSON (Cont'd).

President: I don't think you intend to read the affidavits at this stage?

Prosecutor: I intend to read only extracts, but the affidavit is produced in toto for you.

President: Where is Sgt Marsh at the moment?

Witness: To the best of my knowledge he is in Canada.

The affidavit of Sgt Thomas George Marsh of the Winnipeg Grenadiers and the extract from the same are handed in to the Court, initialled by the President, marked "E" and attached to the proceedings.

President: Will you be requiring these original exhibits or not?

Prosecutor: I would like to say dogmatically no, but I think they will be required again. If the Court will accept an extract as it is, I will have Capt Watson produce it with the usual certificate.

Q. Will you say then what the extract contains?

A. All the information now pertaining to the case of Major-General Shoji Toshishige.

Q. All the information that is contained in the affidavit?
A. In the extract of the affidavit.

Q. Do I understand from that there is nothing from the affidavit which is not contained in the extract which might pertain to the accused?

A. That is correct.

President: You certify then that it is an extract which you have handed in of the affidavit of Sgt Thomas George Marsh is a true and correct extract from the original affidavit?

Witness: I do, Sir.

President: The Court will return the original exhibit after they have verified the exhibit which will be Exhibit "A."

Q. Will you now produce the original affidavit of Pte M.P. Miron?
A. The document which I now hold in my hand is a deposition by Pte M.P. Miron of the Winnipeg Grenadiers.

Q. Where is Pte Miron now?

A. To the best of my knowledge, he is in Canada.

Q. Is that an original affidavit?
A. It is.

President: Are you filing the original or an extract?
Witness: An extract, Sir.

Q. Will you file the extract from the affidavit of Pte Miron and tell the Court that you certify it is a true extract?
A. This is a certified true extract of the deposition of Pte M.P. Miron, and is certified by me as a true extract.

President: You appreciate that the Court must also see the original and check it?

Prosecutor: I was going to hand in the original for comparison.

... extract from an affidavit filed by Pte M.P. Miron ...

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Exhibit C, P. 10. 2 - 3. 1. 3. (J. 10. 1).

Minneapolis Grenadiers is handed in to the court, initialled by the President, marked "J" and attached to the proceedings.

Q. Will you now produce a certified true extract from the affidavit of Charles Bradbury?

A. The document I now hold in my hand is a certified true extract of a statement made by Charles Bradbury, of the State of British Columbia.

Q. Did you make that extract?

A. I made it myself. It is a complete copy of the statement made in the original affidavit.

President: Are you handing it in for comparison?

Prosecutor: Yes.

Q. Will you tell the court where, to the best of your knowledge, Bradbury is now?

A. To the best of my knowledge, he is at present in Canada.

A certified true copy of an affidavit made by Charles Bradbury of the Minneapolis Grenadiers is handed in to the court, initialled by the President, marked "J" and attached to the proceedings.

Q. Will you now produce the certified true extract from an affidavit of John David Hollock?

A. The document I now hold in my hand is a certified true extract of an affidavit made by the John David Hollock, a member of His Majesty's Canadian Army. To the best of my knowledge, he is still in Canada.

Q. Did you yourself make the extract?

A. Yes.

A certified extract from an affidavit made by John David Hollock is handed in to the court, initialled by the President, marked "J" and attached to the proceedings.

Q. Will you now produce a certified true extract from an affidavit of William Albert Hall to be used for comparison?

A. The documents I now hold in my hand are the original affidavit and certified extract made by William Albert Hall, a member of His Majesty's Canadian Army. To the best of my knowledge, he is still in Canada.

President: Did you make these extracts yourself?

Witness: I did.

A certified true extract from an affidavit made by L/Sgt William Albert Hall of the Minneapolis Grenadiers is handed in to the court, initialled by the President, marked "J" and attached to the proceedings.

Q. Will you now produce the certified true extract from an affidavit of Leslie George Adams, state that you made it yourself and produce the original for comparison?

A. I have here the original affidavit. I have not a copy. The documents I now hold in my hand are the original and a certified true extract from an affidavit of Leslie George Adams. The extract was made by myself and to the best of my knowledge, I understand Adams is still in Canada.

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EXAMINATION OF P.W. NO. 2 - CAPT E.C. WATSON (Cont'd).

The certified true extract from an affidavit made by Pte Leslie George Adams of the Winnipeg Grenadiers is handed to the Court, initialled by the President, marked "N" and attached to the proceedings.

Q. Will you now produce a certified true extract from an affidavit of Sidney Gordon Renton, state whether you made the extract yourself and where Renton is at present?

A. The document I now hold is the original affidavit and a certified true extract from an affidavit made by Grenadier ~~James~~ Sidney Gordon Renton, of Sussex, N.B. This extract was made by me and to the best of my knowledge, Renton is still in Canada.

The certified true extract from an affidavit made by Grenadier Sidney Gordon Renton of the Winnipeg Grenadiers is handed in to the Court, initialled by the President, marked "O" and attached to the proceedings.

Q. Will you now produce a certified true extract from an affidavit by Sidney Hiscox, whether you made the extract and where Hiscox is at present?

A. The document I now hold in my hand are the original and certified true extract from an affidavit made by Sidney Hiscox, a member of His Majesty's Canadian Army. I made the extract myself and to the best of my knowledge, he is still in Canada.

The certified true extract of an affidavit made by Cpl Sidney Hiscox of the Winnipeg Grenadiers is handed to the Court, initialled by the President, marked "P" and attached to the proceedings.

Q. Will you now produce a certified true extract from an affidavit of Michael Haddad, state whether you made the extract and where Haddad is at present.

A. The document I now have in my hand is the original affidavit made by Pte Michael Haddad with a certified true extract taken from the affidavit. To the best of my knowledge, Haddad is at present in Canada.

The certified true extract of an affidavit made by Pte Michael Haddad of the Winnipeg Grenadiers is handed in to the Court, initialled by the President, marked "Q" and attached to the proceedings.

Q. Will you now produce a certified true extract from an affidavit of George Kipling, state whether you made the extract and whether or not Kipling is available?

A. The document I now hold in my hand is the original affidavit and a certified true extract of Pte George Kipling, a member of His Majesty's Canadian Army. The extract was made by me and to the best of my knowledge, Kipling is in Canada.

The certified true extract of an affidavit made by Pte George Kipling of the Winnipeg Grenadiers is handed in to the Court, initialled by the President, marked "R" and attached to the proceedings.

Q. Will you now produce a certified true extract of Wallace Allan Childs, state whether you made the extract and where Childs is at the moment?

A. The documents I now hold in my hand are the original affidavit and certified true extract made by me of Pte Wallace Allan Childs, of His Majesty's Canadian Army. To the best of my knowledge, Pte Childs at present is in Canada.

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EXAMINATION OF P.W. NO. 2 - CAPT E.C. WATSON (Cont'd).

The certified true extract from a deposition made by Pte Wallace ~~James~~ Allan Childs of the Winnipeg Grenadiers is handed in to the Court, initialled by the President, marked "S" and attached to the proceedings.

Q. Will you now produce a certified true extract from an affidavit of Samuel David Kravinchuk, state whether you made the extract and where Kravinchuk is at present?

A. The documents I now hold in my hand are the original and two extracts certified by me of an affidavit made by Samuel David Kravinchuk of the Winnipeg Grenadiers. To the best of my knowledge, Kravinchuk is still in Canada.

The certified true extract of an affidavit made by Cpl Samuel David Kravinchuk of the Winnipeg Grenadiers is handed in to the Court, initialled by the President, marked "T" and attached to the proceedings.

Q. Will you now produce a certified true extract from an affidavit of Gordon Edward Williamson, state whether you made the extract and where Williamson is at present?

A. The documents I hold in my hand are the original affidavit and certified true copies made by me of Gordon Edward Williamson. To the best of my knowledge, he is still in Canada.

The certified true extract of an affidavit made by L/Cpl Gordon Edward Williamson of the Winnipeg Grenadiers is handed in to the Court, initialled by the President, marked "U" and attached to the proceedings.

Q. Will you now produce the certified true extract from an affidavit of Paul E. Mondor, state whether you made the extract and where Mondor is at present?

A. The documents I now hold are the original affidavit of L/Cpl Paul E. Mondor and a certified true extract made by me. To the best of my knowledge, he is still in Canada.

The certified true extract of an affidavit made by L/Cpl Paul E. Mondor of the Winnipeg Grenadiers is handed to the Court, initialled by the President, marked "V" and attached to the proceedings.

Q. Will you now produce the original statement made by Capt R.W. Philips?

A. The document I now hold in my hand is an unsworn statement made by Capt R.W. Philips of the Winnipeg Grenadiers. This is a certified true copy made by me of the same.

Q. Do you know in whose handwriting the original document was made?

A. I cannot say. I have never met Capt Philips.

The unsworn statement in handwriting purporting to be signed by Capt R.W. Philips of the Winnipeg Grenadiers, together with a certified true typewritten copy, is handed in to the Court, initialled by the President, marked "W" and attached to the proceedings.

Prosecutor: In this connection, I ask permission of the Court and that of my friend to produce Lt-Col Bailie who may be able to identify the handwriting.

President: Has Mr ~~Takano~~ Takano any objection to producing this witness?

Defence Counsel: I have no objection.

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EXAMINATION OF P.W. NO. 2- CAPT E.C. WATSON (Cont'd).

Q. Have you got a copy of a letter addressed to the OC Military Hospital, Bowen Road, Hongkong, from Sgt T.C. Cunningham. If you have, tell the Court what you have got and what it is supposed to be.

A. The document I now hold in my hand is signed by Capt A.A. Hunt, Captain, Legal Staff, of a document known as Exhibit A. It contains copies of a statement made by Sgt Cunningham but not the original statement.

President: Are you familiar with Capt Hunt's signature yourself?

Witness: I am not.

Prosecutor: I have here, Sir, through the kindness of my friend, another copy of this exhibit which is marked "C" and referring to an affidavit of Lt-Col Shackleton. May I substitute one for the other. It is not very satisfactory but the original has been lost or has not returned from Singapore.

President: Unless Capt Hunt's signature can be verified in some way, I am afraid the Court cannot accept this. You are asking the Court to accept an uncertified copy of a statement made by somebody whose signature is not known.

Prosecutor: Unfortunately, this also is a copy but is certified by Lt-Col Cooper.

President: If you wish to put in the document you now have in your hand and if the witness can identify the signature of the person certifying it is a true copy, the Court will accept the document.

Prosecutor (to Witness): Do you recognize the signature on that document?

President: Will you tell the Court exactly what the document is?

Witness: This is a copy of Exhibit "C" made by Sgt Cunningham, of which I have here only a copy which is signed by Capt Hunt of the Legal Staff. This is signed by Lt-Col Cooper, whose signature I recognize, who was formerly OC of the War Crimes Team in Hongkong.

President: Do you know whether Lt-Col Cooper made his copy from the original document?

Witness: That I cannot say.

President: You say it is an annexure ^{an affidavit} of an exhibit made by Col Shackleton. I am afraid that at the present it is better for the Court not to accept it.

Prosecutor: I submit the Court may accept with the reservation that they can put what credence they like to it.

President: The Court has very great latitude in accepting documents, but they must be authenticated by someone. Here there is no authentication at all.

The Prosecutor then quoted from Army Order No. 81 of 1945, paragraph 8 (e) and (f).

President: That is true, but the copy must be authenticated.

Prosecutor: It is authenticated by Col Cooper.

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EXAMINATION OF P.W. NO. 2 - CAPT E.C. WATSON (Cont'd).

President: It is a copy of a copy ^{on} which we cannot proceed. I am afraid the Court is not justified in proceeding ^{on} that document, ^{either. RCL} ^{original RCL}

Prosecutor: We have made every effort to find the document. If the Team finds it before the prosecution closes its case, ^{may} I then produce it?

President: Certainly.

The Prosecutor then continued his examination.

Q. Will you now produce the original translation of a statement made by the accused on November 8, 1946. Will you ~~state~~ state who translated the document?

A. The document I now hold is an affidavit sworn to by the accused in my presence after being duly warned and interpreted to me by A. Rego. ^{RCL}

Prosecutor: Rego ^{my Rego RCL} will be produced to certify ^{RCL} the translation.

The statement of the accused, Shoji Toshishige, dated November 8, 1946, made in the presence of the witness, Capt Watson, is handed in to the Court, initialled by the President, marked "X" and attached to the proceedings.

Q. Will you now produce a statement made by the accused dated November 25, 1946?

A. The document I now hold is a statement made by the accused after being duly warned at Stanley Gaol on November 25. It was interpreted to me by R. Hamidon, interpreter.

Q. Where is the certificate of interpretation?

A. It is attached to the back of the statement.

Q. Where is Sgt-Major Hamidon now?

A. I think he is in Canada. He is not in Hongkong.

The statement made by the accused, Shoji Toshishige, dated November 25, 1946, in the presence of Capt Watson is handed in to the Court, initialled by the president, marked "Y" and attached to the proceedings.

Q. Will you now produce the ~~translation~~ translation of a statement made by the accused dated November 18? ^{RCL}

A. The document I now hold in my hand is the original statement made by the accused in his own language and attached to it is a copy of a translation made by Sgt Ito.

The original statement made in the Japanese characters by the accused, Shoji Toshishige, together with a translation of the statement made by Sgt Ito, are handed to the Court, initialled by the President, marked "Z" and attached to the proceedings.

Q. Can you produce a copy of a map, general staff No. 3, published 1930, Sheet 19, third edition?

A. This is the map.

Q. Will you tell the Court how it is marked and to what it refers?

A. On November 8, 1946, I went to Stanley Gaol to interrogate the accused. He expressed the wish for a map for his own use and mark out certain places. He informed me that a Japanese, Tsutade, ^{RCL} had assisted in making the map. On my visit to the

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EXAMINATION OF P.W. NO. 2 - CAPT E.C. WATSON (Cont'd).

Gaol again on November 18, it was produced to me and sworn to me by Shoji Toshishige.

A copy of a map of Hongkong and the New Territories issued on publication sheet 19 which has been marked in the presence of the witness and sworn to by the accused is handed in to the Court, initialled by the President, marked "A1" and attached to the proceedings.

Q. Have you any other document you wish to produce?

A. No.

CROSS-EXAMINATION BY DEFENCE COUNSEL.

Q. From what date have you been attached to the Investigation Team?

A. January 21, 1946.

Q. Last year, on August 17, did the Investigation Team put an advertisement in the newspapers?

A. I cannot answer that. During the time I have been in the War Crimes Team, many advertisements have been inserted.

Q. Was not an advertisement put in the papers to gather evidence concerning brutalities which happened in the Happy Valley area?

A. That is true.

Q. Was not the contents of the advertisement the same as what is in this document? *Witness is shown a document. Acl*

A. Quite likely, but I cannot remember paying particular attention to it.

Q. The inscription which is Exhibit G. When you saw this inscription, who was the interpreter at that time?

A. Sgt-Major Hamidon.

Q. In the vicinity of Wongneichong Gap, did you see any other building?

A. I am afraid I don't understand.

Q. There is a reservoir. Under the reservoir there is a road. Near the road did you see a building situated near it?

A. There are many buildings in Wongneichong Gap. What particular building is it?

Q. There are many buildings there, but did you see any other Japanese inscription at that time?

A. No.

Defence Counsel: I have no more questions.

No re-examination by Prosecution etc

ADJOURNMENT

AT 1240 hours, the Court adjourned until 1415 hours.

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RESUMPTION

At 1420 hours, the Court reassembled pursuant to adjournment, the same members as at adjournment being present.

P.W. NO. 3 - SERGEANT ROY ITO

After having been sworn, Ito was examined by the Prosecutor as follows:

EXAMINATION BY PROSECUTOR:

Q. Will you tell the Court your full name, your rank, your present employment and your qualifications? *My name is Roy Ito.*

A. I am a Sergeant of the Canadian Intelligence Corps, Canadian Army. I am at present attached to the War Crimes Investigation Unit as Interpreter-translator. I graduated from the Canadian ~~Army~~ Army Japanese Language School.

Q. Can we take it then that you speak and read Japanese?
A. That is right.

Q. I want you to look at photograph 8 on Exhibit "F" and tell the Court, if you can, what that photograph is?
A. That is a photograph of Japanese inscriptions.

Q. Will you now look at Exhibit "G" and compare the characters on that with the characters in Photograph 8, and tell the Court if they are similar?

A. The characters are identical with those in Photograph 8.

Q. Are you able to translate the meaning of those characters?
A. Yes, I can.

Q. Will you please do so?
A. It reads "Okada Unit," and the next two characters are illegible but the next one is "sub-unit captured December 22, 1500."

Q. What does 1500 mean?
A. I take it to mean 1500 hours.

Q. From your personal knowledge, can you tell the Court what is this photograph of?
A. I saw this writing in a pill-box up at Wongneichong Gap.

Q. Will you now look at Exhibit "Z" and tell the Court if you translated that and if the translation is correct?

A. That is a translation which I did of a statement by Major-General Shoji Toshishige, and as far as I can ~~ascertain~~ ascertain it is a correct and true translation.

CROSS-EXAMINATION BY DEFENCE:

Q. On photograph 8 of Exhibit "F" you said you could not read the second column. Can you read the other characters?

A. The first two characters are illegible to me but the third and fourth are legible to me.

Q. In the report of Major-General Shoji, did you understand every part of it or were there some portions you could not understand?

A. In the statement by Major-General Shoji I found some sections which I did not understand clearly, so I went down to see the General himself and check up on these points.

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CROSS-EXAMINATION OF P.W. NO. 3 - SGT ROY ITO - (Contd)

Q. An ordinary Japanese can read the first two characters on the photograph. Besides this, the written characters of Major-General Shoji are very difficult to read for an ordinary Japanese. Weren't there many points that you could not understand?

A. I do not intend to call myself a Japanese since I am a Canadian, but concerning the statement by Major-General Shoji it was the character itself that confused me but the style of writing which I found I was not able to state which was which--- I mean the modifying sentences and so on.

Q. Did you ask help about the points you did not understand from anybody else besides Major-General Shoji?

A. No.

Re-examination declined.

QUESTIONS BY THE COURT

Q. When you told the Court just now that you found the two characters in photograph 8 of Exhibit "F" difficult to read, for what reason did you find them difficult to read?

A. The characters were written in ~~social~~ style, which is quite difficult for an ordinary person to be able to read.

Q. Is this inscription written throughout in the same style?

A. No. Other sections were written in "Kaishu."

Q. When Major-General Shoji made this statement in Japanese characters, did he sign it?

A. He did.

Q. Will you show the Court where the signature is?

A. The signature is on the very bottom of the last line of the last page of the statement in Japanese characters.

P.W. No. 4 - ~~Alphonse Rigold~~ ALPHONSE RIGOLD

After having been sworn, Witness was examined by the Prosecutor as follows:

EXAMINATION BY PROSECUTOR:

Q. Will you tell the Court your full name, your present occupation and your qualifications?

A. My full name is Alphonse Rigold. My present appointment is as interpreter with the War Crimes Investigation Unit, Hongkong.

Q. Do you hold a military rank?

A. I have the honorary status of a Major.

Q. Are you actually a Major?

A. No, I am a civilian.

Q. What are your qualifications as an interpreter?

A. I am a Japanese-English interpreter. I learned to speak Japanese since childhood days and I speak it quite fluently.

Q. How did you learn, in school or what?

A. No, my mother is a Japanese and since childhood days I have learned the language from her.

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EXAMINATION OF P.W. NO. 4 - ALPHONSE RIGOLD - (Contd)

Q. Will you look at the last page of Exhibit "X" and tell the Court if your signature appears on it or not?

A. Yes, it does.

Q. You said there that the charge was duly translated to the Accused, was that correct?

A. Yes.

CROSS-EXAMINATION DECLINED.P.W. No. 5 - CAPT. UCHIYAMA YUKIO

even duly affirmed xcc
After having taken the Solemn Declaration, Witness was examined by the Prosecutor as follows:

EXAMINATION BY PROSECUTOR:

Q. Will you tell the Court your full name?

A. Uchiyama Yukio.

Q. What was your occupation?

A. I was Commander of the Western District Gendarmerie in Hongkong.

Q. Where were you in December, 1941?

A. I was a gendarme attached to the Sano Division which attacked Hongkong.

Q. What was your rank then?

A. I was a Gendarmerie Lieutenant.

Q. What happened before you went to Hongkong when you were still in Kowloon?

A. Before the landing operation on Hongkong island, there was a conference in Kowloon in which orders were received.

Q. Were you at that conference yourself?

A. I was not present at the divisional conference but I was at the conference at the Gendarmerie Hq. when orders were received.

Q. What orders were received?

A. There were orders by the Divisional Commander, Sano, concerning landing operations on Hongkong island.

Q. What units were to land there, to your knowledge?

A. The 230th Infantry regiment, under the command of Col. Shoji, the 229th infantry or Doi regiment and the 228th infantry or Tanaka regiment.

Q. Will you tell the Court what the general plan of the battle was?

A. The general order was that the Shoji unit was to be the right flank. To the left of the Shoji unit was the Doi unit and the left flank was to be the Tanaka unit. These three units were to land at North point near Braemar Point on December 18 about 10 p.m. In the rear came the quick-firing cannon, light mortars, heavy mortars and behind them came the engineering regiment, the Gendarmerie and the transport unit. This was how the battle plan was made up.

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EXAMINATION OF P.W. NO. 5 - CAPT. UCHIYAMA YUKIO (cont.):

Q. I don't think we need go any further into that. What I would like you to tell the Court is what you know about the 230th Regiment, what their task was in the attack?

A. The Shoji unit was to be used as a flank unit and was ordered to land at North Point and to advance to Victoria Point by noon of December 19.

Q. How was the 230th Regiment to get to Victoria Point?

A. I don't remember the detailed operational plan but the Shoji unit was ordered to stay away from the residential sections and to use mountain routes to reach Victoria Point.

Q. Can you tell the Court just where the 230th Regiment did go after it had landed?

A. The 230th Regiment reached Wongneichong Gap by passing through Jardine's Lookout, then for three days a fierce battle took place, the unit then passed north of Mt Nicholson and Mt Cameron and reached Wanchai Gap.

Q. Where were you at this time?

A. I landed at North Point at dawn on December 19 and stayed there all the time.

Q. What was your duty when you were at North Point on December 19?

A. Keeping peace and order behind the battle front.

At this stage, the Court warned Witness that he need not answer any questions which might incriminate him.

Q. Can you tell the Court what the order in respect to prisoners was?

A. The order concerning the treatment of prisoners was as follows: Treat prisoners humanely and with justice in accordance with international law and you may send them to Divisional HQ after capture.

Q. To whom was that order given?

A. This order was given by the Divisional commander, Sano, to the units who participated in the campaign.

Q. Were you the only gendarme who participated at that point or were there others?

A. At that time the majority of the gendarmes under Lt-Col Noma also landed at that point.

Q. What was their duty?

A. Their duty could be divided into two categories: (1) Discipline of the troops which participated in the battle, that is taking up duty as military policemen; and (2) Maintenance of public peace and order in the rear.

Q. What had they to do with the prisoners?

A. It could not be said that they had special connection with the prisoners of war, but some of the soldiers that were captured were handed over to the gendarmes for safe keeping.

Q. Where did that handing over take place?

A. I did not myself personally handle prisoners of war. The auxiliary Kempei unit attached to the gendarmerie was assigned to help the medical unit which took part in the campaign with the Shoji, Tanaka and Doi units and I heard that these auxiliary Kempeis took some prisoners for safe keeping.

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EXAMINATION OF P.W. NO. 5 - CAPT. UCHIYAMA YUKIO (Contd)

Q. That is not quite my question. What I want to know is where these Kempeis took charge of the prisoners. Was it at North Point or Wong Nei Chong Gap or where?

A. The report was that the auxiliary Kempeis took over the prisoners from the Shoji unit at Wong Nei Chong Gap on December 23 and that the Kempeis handed the prisoners over to Divisional Hq.

Q. These auxiliary kempeis who took over the prisoners on December 23, under whose command were they when they took over? Were they under independent command or were they under the command of the infantry unit from whom they received the prisoners?

A. They were under the command of the medical unit which was under the direct command of the Divisional Commander.

CROSS-EXAMINATION BY DEFENCE:

Q. You said that the Divisional Commander gave orders in Kowloon. Do you know whether Major-General Shoji gave any orders to his subordinates?

A. The order was issued on December 16 and every unit commander who received the order passed it on to the subordinates. Therefore, Major-General Shoji also passed on the order to his subordinates.

Q. If you know what orders Regimental Commander Shoji gave to his subordinates at that time, will you tell them to the Court?

A. I heard Regimental Commander Shoji gave orders to his subordinates as follows: "The Hongkong campaign will be a historical campaign carried out with the eyes of the world looking on and most likely many prisoners of war will be captured. The treatment of prisoners of war must be carried out in accordance with international law on the basis of humane ~~principles~~ principles and justice. The laws and customs of war must not be violated." That is what I heard when Regimental Commander Shoji was giving orders to his subordinates.

Q. In your evidence you said that the unit passed over the side of Jardine's Lookout. What direction do you mean?

A. By that I meant the western side of Jardine's Lookout.

Q. Do you know whether the Shoji unit passed the western side of Jardine's Lookout, through Wongneichong Gap and Victoria Point without any resistance from the enemy or do you know whether there was any resistance?

A. Until the Shoji unit reached Wongneichong Gap there was no resistance that could be called resistance but after the Shoji unit reached Wongneichong Gap there was heavy resistance from the enemy and a furious battle took place which lasted during the 19th, 20th, 21st and 22nd. That is how I remember it.

Q. In your evidence I wish you to make clear the two localities of Wongneichong Gap and the junction of the five roads.

A. Up to now when I mentioned Wongneichong Gap in my evidence I meant the junction of the five roads.

Q. You said in your evidence that on the 23rd some POWs were received from the Shoji unit and handed over to divisional headquarters. Do you know whether there were any prisoners-

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CROSS-EXAMINATION OF P.W. NO. 5 - CAPT UCHIYAMA YUKIO (Cont'd).

of-war before the 23rd?

A. According to the report of the lieutenant who was in charge of the auxiliary kempeis, the report said that ~~this~~ this was the first time that the Shoji unit captured prisoners-of-war and that prisoners-of-war should be immediately sent back to the divisional headquarters.

Q. Do you mean to say that was the first time prisoners-of-war were captured?

A. That is correct.

Q. At that time do you know where the prisoners-of-war camp was situated?

A. ~~Part of the~~ Part of the prisoners-of-war camp was situated on the beach near the divisional headquarters at North Point and part was situated near the Dockyard at Taikoo.

Q. At that time where was the divisional headquarters situated?

A. The divisional headquarters was at that time situated near the mountain to the south-east of North Point.

Q. You just said the prisoners-of-war camps were divided into two localities. Do you mean two prisoners-of-war camps at the same time or do you mean that the prisoners-of-war camps were situated at these two places during different periods?

A. At the beginning the prisoners-of-war camp was situated near the Docks. During the end of the battle, the camp was moved to North Point.

Q. By the end of the battle, could you give a more definite date?

A. I do not remember the exact date but I think it was around the 24th.

Q. Do you mean to say that until the 24th-25th December, the prisoners-of-war camp was situated near the Docks and after the 25th-26th the camp was moved to North Point? Is that what you mean?

A. That is correct.

Q. After the prisoners-of-war were sent to the divisional headquarters do you know in what camp they were interned?

A. They were sent to the camp situated near the Docks.

Q. At that time do you remember whether there was a rumour concerning the Shoji unit?

A. At that time, what do you mean?

Q. By that I mean around the 20th, 21st and 22nd when the Shoji unit was engaged in the battle near Wongneichong Gap. Was there any rumour concerning the unit?

A. Around the 19th and 20th, the Shoji unit was not in communication with the divisional headquarters and it was rumoured that the Shoji unit ~~was~~ had been completely annihilated and the divisional commander was very much worried and he sent his chief-of-staff to investigate.

Q. Do you know who was sent from divisional headquarters?

A. A staff officer who was in charge of strategy by the name of Oyadomari was sent and he returned with a report.

Q. Did you meet staff officer Oyadomari at that time?

A. Yes. I met him. At that time, the British Army was counter-attacking with tanks and there was an order to build

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CROSS-EXAMINATION OF P.W. NO. 5 - CAPT UCHIYAMA YUKIO (Cont'd).

obstacles in the vicinity of North Point. I took part in making these obstacles and just at that time a staff car came along and I stopped the staff car and staff officer Oyadomori was inside.

Q. What did staff officer Oyadomori tell you at that time. If you remember, please repeat that to the Court?

A. As I remember it, it was just when it became dark on the 20th. I asked staff officer Oyadomori where he had been and he told me ~~there~~ there was a rumour that the Shoji unit was completely annihilated and he had been ordered to investigate and he said he was on his way back. Staff officer Oyadomori said that it was only a rumour, although there were slight casualties including battalion commander Noguchi, regimental commander Shoji was all right. He also said that the British Army was pushed away from the vicinity of the junction of the five roads. The Shoji unit was being pushed into a valley north of the place and was engaged in furious fighting and also that the Shoji unit was five to six metres from the pill-boxes and were receiving heavy fire from them. He also said that he himself was fired upon by the British Army.

Q. At that time, did you hear anything concerning prisoners-of-war from him?

A. I did. He also said that the British Army in front of Shoji unit was very unexpectedly stubborn and the Shoji unit was receiving heavy pressure from the enemy and that no prisoners-of-war were captured. He also said that he asked regimental commander Shoji whether he captured any prisoners-of-war and regimental commander Shoji said that up to the present no prisoners-of-war at all were captured. Then staff officer Oyadomori told me that he asked regimental commander Shoji to send prisoners-of-war to the divisional headquarters immediately after they were captured and then the staff officer told me that if the prisoners-of-war arrived at the headquarters they would be cold and he asked me to send some Japanese wine -- sake -- to the headquarters.

Q. At that time did you hear from him that the medical unit attached to the Shoji unit was asking for reinforcements?

A. I did. He said that he was told the Shoji unit received heavy casualties and the medical unit attached to the unit did not have sufficient number of men to deal with the heavy casualties and he asked me whether the Gendarmerie had any extra men that could help in taking care of the casualties.

Q. What did the Gendarmerie do in that matter?

A. At that time I told staff officer Oyadomori that the Gendarmerie most likely could send about 100 men as reinforcements and also I asked him when he reached the divisional headquarters to confer on this matter.

Q. What was the result?

A. Late on the night of the 20th, an order was received by the divisional headquarters stating that 100 members of the Kempeitai including an officer could be included in the command of the medical unit to be used as reinforcements. At that time 2/Lt Asano who was attached to the Gendarmerie with other auxiliary gendarmes was put in command of about 100 kempeis, auxiliary kempeis, and NCOs and sent as reinforcements to the medical unit.

Q. Do you know to what unit the 100 kempeis were sent?

A. The report was that this detachment of kempeis climbed the mountain to Wongneichong Gap from Shaukiwan and they took part in transferring the sick and wounded from the Shoji and adjacent Doi units during the three days from the 21st to the 23rd.

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CROSS-EXAMINATION OF P.W. NO. 5 - CAPT UCHIYAMA YUKIO (Cont'd).

Q. In your evidence in answer to a question by the Prosecuting Officer, you said that the kempeis handled prisoners-of-war. Do you mean to say that the kempeis attached to this reinforcement detachment handled the prisoners-of-war you spoke of?

A. That is correct. One of the NCOs and 2/Lt Asano received and took back some POWs. I do not remember the name of the NCO.

Q. At that time did you hear anything from staff officer Oyadomori ~~from~~ concerning the liaison from the Shoji and Doi units. Did you hear anything from staff officer Oyadomori about the liaison between the two units?

A. Yes. Staff officer Oyadomori said to me at that time that the Shoji unit was being pushed into the valley and was receiving heavy pressure from the enemy, but the Doi unit was on top of the valley in a very good fighting ~~position~~ condition but the liaison between the two units did not seem to take place satisfactorily. That was also what he told me.

Q. At that time did you receive anything from staff officer Oyadomori?

A. I did.

Q. What did you receive?

A. At that time I received one tin of corned beef and some biscuits which were captured from the British Army.

Q. Can you say something in connection with that?

A. Staff officer Oyadomori said at that time that the Shoji unit was pushed into the valley and was received heavy fire from the front and flanks and seemed to be very exhausted but on the other hand, the Doi unit seemed to be in a very good fighting spirit and the Doi unit captured the British store-house containing a large quantity of corned beef and biscuits and he received some of these articles and he gave me a tin of corned beef and some biscuits. Also he said that he was worried whether food-stuff could be sent to the front satisfactorily or not but as the Doi unit captured a large quantity of food-stuff, he was no more worried about the matter of food-stuff.

Q. Did you hear anything concerning the place where the Doi unit captured the prisoners-of-war?

A. He also told me that -- I think it was the Hawakawa battalion -- captured some prisoners-of-war and he said that because of fire received from the British Army, the place where the prisoners-of-war were was hit and a number of casualties resulted.

Q. Do you know anything about the method of issuing some sort of receipts when prisoners-of-war are sent from the front to the rear?

A. There was a strict instruction issued by the divisional commander concerning this matter. When 2/Lt Asano brought back some prisoners-of-war to the divisional headquarters, the divisional headquarters issued a receipt to the Shoji unit stating that the prisoners-of-war were received.

Q. Do you know whether there was any instruction from the divisional headquarters concerning disguised prisoners-of-war?

A. On the 20th, I think it was, when ~~an order was received~~ receipt of orders was being carried out at divisional headquarters, information was given to the person who went to receive the orders that there was an incident when some false prisoners-of-war, that is, soldiers who disguised themselves as prisoners-of-war, counter-attacked. There was an incident concerning such prisoners-of-war and proper precautions should be carried out against such an incident and there was an instruction concerning such false prisoners-of-war.

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CROSS-EXAMINATION OF P.W. NO. 5 - CAPT UCHIYAMA YUKIO (Cont'd).

Q. In your evidence in answer to a question put by the Prosecuting Officer you said that the Shoji unit was ordered to be the right flank, the Doi unit to take up the central position and the Tanaka unit to take up the left flank. Do you actually know where the Doi and Tanaka units participated in the battle?

A. The Doi unit participated in the furious battle which took place near the junction of the five-roads with the Shoji unit, that is to say, the vicinity of the junction of the five roads was the battlefield of the Doi unit. After that the Doi unit marched west, after crossing the peaks of Mount Nicholson and Mount Cameron. The Tanaka unit also came out to the vicinity of the junction of the five roads and left from that point, that is to say, the circumstances at that time was on the 18th, the Doi, Tanaka and Shoji, these three units met at the junction of the five roads.

Q. You said on the 18th just now. Was that not a mistake in the date?

Prosecutor: I don't think that should be suggested to him. My friend is using him as his own witness.

President: He can suggest anything he likes to him in cross-examination.

Q. Will you please answer my last question?

A. It was not the 18th. It was the dawn of the 19th.

Q. Then you mean to say that to reach Wongneichong Gap the Shoji unit passed west of Jardine's Lookout point and did not go through the residential district?

A. That is correct.

Defence Counsel: I have no more questions, Sir.

ADJOURNMENT

At 1612 hours, the Court adjourned until 1000 hours on Tuesday, March 11, 1947.

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Col Laming.

Trial of Maj-Gen Shoji Toshishige

Second Day.

Tuesday, March 11th, 1947.

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PROCEEDINGS OF NO. 5 WAR CRIMES COURT.

Held at Jardine Matheson's East Point Godown, HONGKONG, on
TUESDAY, March 11, 1947.

(Trial of MAJ.-GEN. SHOJI TOSHISHIGE of the Imperial Japanese
Army).

At 1000 hours on Tuesday, March 11, 1947, the Court
re-assembled pursuant to adjournment. Present: The same
members as on Monday, March 10, 1947.

President: I think there is a spelling mistake in
the transcript of yesterday's evidence. If you remember,
when Sgt Ito was in the witness box, the Court asked him why
he found the two characters on the pill boxes difficult to
read; he said they were written in some broad kind of style.
The word used was not social, I think. *special 21*

Capt Whitehorn: The word is "sosho."

*President Will you remind the witness that he is still bound
by the affirmation he made yesterday. RCH*

RE-EXAMINATION OF P.W. NO. 5 - CAPT. UCHIYAMA YUKIO:

Prosecutor: Capt Uchiyama, you told the Counsel for
Defence yesterday that you heard the Accused give orders about
the treatment of enemy ~~and~~ personnel taken captive. From whom
did you hear those orders? From Gen. Shoji or from somebody
else?

Capt Uchiyama: The Regimental Commander Shoji gave orders
to all officers under him and was giving orders to them and I
went to the place where he was giving orders and heard him give
the orders.

Q. Will you tell the Court what you mean when you say, "Until
the Shoji unit reached Wongneichong Gap there was no resistance
that could be called resistance?"

A. By that I mean there was no furious battle with the enemy.

Q. Were you there, Captain?

A. At that time I was not there.

Q. You told the Court that around December 19 and 20, 1941,
the Shoji unit was not in communication with your divisional
HQ. When did Oyadomori make his report?

A. You mean to division HQ?

Q. Yes.

A. What kind of a report?

Q. This is what you said, "Around the 19th and 20th, the Shoji
unit was not in communication with the divisional headquarters
and it was rumoured that the Shoji unit had been completely
annihilated and the divisional commander was very much worried
and he sent his chief-of-staff to investigate. A staff officer
who was in charge of strategy by the name of Oyadomori was sent
and he returned with a report." Now, what I want to know is:

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RE-EXAMINATION OF P.W. NO. 5 - CAPT. UCHIYAMA YUKIO (cont.):

Q(cont.): When did he return with a report?

A. I did not say that he gave a report to the divisional commander.

Prosecutor: I am not endeavouring to upset him, Sir. I am only trying to clarify the point. It is in the transcript, Sir, and if he wants to change it

President: He simply said that the Shoji was not in communication with the divisional HQ and Oyadomori was sent to investigate. He did not say to whom he made the report.

Prosecutor: Yes, I know. I simply ask when he returned with a report?

Capt. Uchiyama: I do not remember the exact date, but he came back just after dark on December 20. I do not remember the exact time. It was raining at the time.

Q. You mean you do not remember the exact time?

A. I do not remember the exact time, but it was dark then, and there is no mistake about that.

Q. Do you remember the exact date, or are you in any doubt about the exact date?

A. I remember the date.

Q. And what was the date?

A. As I said yesterday I landed at North Point and at that time there was a heavy attack by the enemy with tanks and I was ordered to make a resistance obstacle against those tanks at North Point during the 19th and the 20th. Therefore I am sure about the date.

Q. Well, will you just say what it is, Captain, the 19th, 20th or what?

A. I made the resistance line against the tanks during the 19th and the 20th. When I met the staff officer Oyadomori it was on the 20th. I am sure about that.

Q. Respecting the 100 Kempeis sent as reinforcements to the medical unit. Can you tell the Court ~~what~~ the Kempeis had been in the attack with the Shoji unit?

A. Yesterday I said that these Kempeis were attached to the division and not to the Shoji unit. Also I said they came under the command of the divisional medical unit, not under the command of the Shoji unit.

Q. Yesterday you were asked this question: "At that time did you not hear from him that the medical unit attached to the Shoji unit was asking for reinforcements?" You said, "I did. He said that he was told the Shoji unit received heavy casualties and the medical unit attached to the unit did not have sufficient number of men to deal with the heavy casualties and he asked me whether the Gendarmerie had any extra men that could help in taking care of the casualties." I am not trying to get you to say that they were attached or not. I want to know if the Kempeis had been with the unit before that time?

A. There were not Kempeis attached to the Shoji unit.

Q. Can you tell the Court if any Kempeis were accompanying Gen. Shoji's unit before the 100 men were sent as reinforcements? Not necessarily attached, but if they were on the ground?

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RE-EXAMINATION OF P.W. NO. 5 - CAPT. UCHIYAMA YUKIO (cont.):

A. As far as I know no Kempeis accompanied the Shoji unit, and as far as I know there were no Kempeis in that area.

Q. Now, you told us yesterday in answer to the Counsel for the Defence that ~~Osagawa~~ Oyadomori had told you of the capture of a British storehouse and you were presented with some bully beef and biscuits taken from there. Can you tell us from what Oyadomori told you where that British storehouse was?

A. I did not ask him about that point.

Q. Did he tell you by what time the storehouse had been hit?
A. I did not hear the exact date of the capture.

Q. By date do you mean time?
A. By that I mean the date - the 19th or the 20th - I did not hear the exact date.

Q. To your own knowledge, Captain, can you describe to the Court where that British storehouse was. For instance, if I showed you a map, could you indicate on it where it was?
A. About the storehouse I do not know which storehouse it was.

Q. I take it that your answer is that you cannot show it on the map?
A. That is correct.

Q. One final question. You have stated in answer to the Counsel for the Defence that the three units - Shoji, Doi and Tanaka - who combined in the attack met at Wongneichong Gap. Will you tell the Court again on what date, according to your memory, that meeting took place?
A. As I remember it, the date was on the 19th.

Q. Your evidence is that the three units met at Wongneichong Gap on the 19th? Can you tell the Court what you base that ~~ax~~ evidence on. Did you see it yourself, or you were told and if so, who told you, or because of the orders that you heard that that was to be the plan, or do you base your evidence on the fact that the units arrived there on the 19th?

A. On the 30th, 31st or thereabouts of December, 1941, I do not remember the exact date, Prince Takeda and the General Chief-of-Staff of the Expeditionary Army in China, General Ushinogu, came to inspect the battle area and at that time the Chief-of-Staff of the area army explained the circumstances of the battle. On both of these occasions I was present for the purpose of guarding and the explanation of the battle by the Chief-of-Staff was carried out near the fortification east of the junction of the five roads, and I was present ~~and~~ on these two occasions when the explanation of the battle was carried out. I remember clearly that when the explanation of the battle was carried out, a question arose whether the Shoji or the Doi unit captured the Wongneichong Gap first, and it was finally decided that both these units captured the Wongneichong Gap at the same time.

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QUESTIONS BY THE COURT OF P.W.NO. 5 - CAPT. UCHIYAMA YUKIO:

President: You have told the Court about a long conversation which you had with the staff officer Oyadomori. What rank was he, do you remember?

Capt. Uchiyama: At that time he was a lieutenant-colonel.

Q. You have told the Court that at the time you were a Kempei lieutenant, is that correct?

A. That is correct.

Q. Can you tell the Court why this lieutenant-colonel, who was probably very busy and in a great haste, should stop and give a very junior officer a long and detailed account of the situation?

A. One of the reasons, I think, was that there was a barricade on the road and the car had to stop. Another reason was that staff officer Oyadomori and myself were very intimate friends and therefore he stopped and informed me in detail about the situation, I think.

Q. You told the Court that there was a report of an incident of a counter-attack carried out by allied soldiers who disguised themselves as POWs. Do you remember any more details about this occurrence?

A. About this incident, it was included in the instruction given by the divisional commander. In the instruction it did not explain anything about the date or the number of persons concerned in the incident, or the place, therefore I do not know the exact details.

Q. Can you tell the Court how the men disguised themselves as POWs?

A. I do not remember the number of men, but some men came out of the pill box waving a white handkerchief and the Japanese side thought that they were stranded and went to take them and were shot at. I remember about this clearly.

Q. Do you remember what instruction was given by the divisional commander as to what precautions had to be observed, or what action to be taken in future?

A. The instruction was to be careful and find out whether the POWs were really POWs or disguised POWs, that is, to be quite sure, and to take proper caution.

Q. You told the Court that a number of auxiliary Kempeis were sent to reinforce the medical unit. What functions were these Kempeis to perform when they went to reinforce this unit?

A. Their duty was to bring in the wounded soldiers.

QUESTIONS BY DEFENCE COUNSEL THROUGH THE COURT:

Defence Counsel: I wish to ask the Witness whether all these Kempeis were sent to the Shoji unit, or to other units?

Capt. Uchiyama: They were despatched to the rear of various units. I know that they were despatched to the Shoji and the Doi units. I do not know for sure that they were despatched to the Tanaka unit, but they were ordered to be despatched to the rear of these units.

No questions by the Prosecution Reel

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P.W. NO. 6 - EDWARD CHARLES FINCHER.

After he had taken an oath, the Witness was examined by the Prosecutor as follows:-

EXAMINATION OF WITNESS:

Q. Your name is Edward Charles Fincher?
A. Yes, Sir.

Q. And your firm address is care of G. Falconer and Company, 11 Salisbury Road, Kowloon?
A. Yes.

Q. You are at present living at No.4 Embankment Road, Kowloon Tong, Kowloon?
A. Yes.

Q. Will you tell the Court what you were doing in December, 1941?

A. I was Company Quartermaster Sergeant attached to No.3 Company of the Hongkong Volunteer Defence Corps and stationed at Wongneichong.

Q. Where were you stationed?
A. At Wongneichong Gap.

Q. On what date?
A. About December 14.

Q. Can you say where this position was, Mr Fincher?
A. It was at the top end of Stanley Gap Road, Sir.

Q. Where is that in respect to the Wongneichong Gap?
A. Just over a rise on Wongneichong leading into Stanley Gap Road.

Q. Will you tell the Court whether it was west, east, north or south of Wongneichong? Can you give the direction, say, from the actual Wongneichong Gap itself?
A. We were actually on Stanley Gap Road.

Q. Which is where?
A. It is south, I think.

Q. How does it run to Stanley Gap?
A. Running east.

Q. Running east from where?
A. From Wongneichong Gap itself.

Q. You were then at a point on this road east of Wongneichong Gap?
A. Slightly east, Yes.

Q. Do you know where Jardine's Lookout is?
A. Yes, Sir, it was the other side.

Q. Do you know where it is?
A. No.

Q. I will show you now two photographs, and if you can, tell the Court where your position was? *Witness is shown Exhibit F. REC*
A. I cannot recognise it there, Sir.

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EXAMINATION OF P.W. NO. 6 - E.C. FINCHER (cont.):

Prosecutor: It might be helpful for the Court to - if I make a motion - view this part with Mr Fincher. I think it is of great importance to actually know where that place is, both from the point of view of the Accused and from the point of view of the Prosecution. We could go on with the examination for the moment and possibly later on the Court might want to view this point.

President: I think, Major Puddicombe, it might be most convenient to carry out an inspection of the ground when you know how many of your witnesses you wish to have on the ground with you. It would be a waste of time to go with this witness and then have to go again with some other witness.

Prosecutor: All live witnesses with the exception of one will give evidence as to what spot he was in. I agree it would be convenient to get all the witnesses together. It would be a great help for Mr Fincher and one or two witnesses to view this spot and point out the position.

President: I think you are quite entitled to move the Court to view the place, but I think it would be most convenient perhaps at a later stage when you know how many of your witnesses you wish to take.

Prosecutor: I will leave the matter for the time being. I take it, Sir, if we do stand down the witness when we go to the location, questions will be asked by the Court only?

President: Certainly.

Examination continues:

Q. Will you tell the Court what happened at Wongneichong Gap in relation to yourself and your unit. Please give dates and time as nearly as you can remember?

A. I was captured with about 20 others late in the afternoon of December 19. We were assembled on the roadside and an officer was going through my pockets at the time. He was searching me, and Japanese troops were moving up the other side of the road. One Japanese soldier with a camouflage net over him caught sight of us and in English accused us of killing too many Japanese. He came across the road with his rifle lowered and made for some of the fellows at the back of me. I heard slight groans but did not see the actual bayonetting of the three men. They were undoubtedly killed by this same soldier.

President: Wait a minute. Will you please tell the Court how if anyone was killed at all? What did you see?

Witness: I will come to that later, Sir.

Witness continues:

A(cont.): All this time the officer was going through my pockets, Sir, and he made no effort to stop this man. In fact he threatened me with his sword. The fellow next to me was also threatened.

Q. Can you tell the Court the name of the fellow next to you?

A. L/Cpl Zimmern.

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EXAMINATION OF P.W. NO. 6 - E.C. FINCHER (cont.):

A(cont.): We were later bound and led past these three lads lying in a pool of blood.

Q. Do you remember who they were?

A. Pte Gosling was one, K.H. Lim and MacKechnie. We were then taken up to a small mess hut.

Q. Will you clarify that. You say you were taken up to a small mess hut. I would like you to describe in relation to this mess hut where you were when you were taken to it, that is, up the hill or down the hill or how did you get there?

A. About 100 yards from where we were assembled up the hill just slightly off the road.

Q. You were 100 yards away from this mess hall?

A. Yes.

Q. In what direction were you taken up to the mess hall?

A. Coming back west.

Q. You were east of the point and came back west?

A. We were south-east of the hut.

Q. Will you be able to show the Court on the ground itself ^{where} the hut was and where you were taken?

A. Yes.

Q. Can you now tell us whether the point where you were actually captured was closer to Wongneichong Gap or further away from it than the hut, that is, the hut you were taken to?

A. Not far from the hut where we were captured.

Q. So that point towards Wongneichong Gap was the other way? Did you go to the hut from the direction of Wongneichong Gap or from the opposite direction?

A. From Stanley Gap.

Q. Stanley Gap road runs as you told us from the west point at Wongneichong Gap eastward?

A. Yes.

Q. The hut where you were taken to was east of Wongneichong Gap, you say, but was the place where you were captured east or west of the hut?

A. South-east of the hut.

Q. Continue then, Mr Fincher?

A. We got to this hut and found it crowded with other prisoners, there were about 200 of them, I think, in this small room. That evening, a Japanese officer paid us a visit and said that we were now guests of the great Japanese Empire and that no harm would come to us if we did as we were told. We asked him for medical supplies -- we had quite a number of wounded in the room -- but none was forthcoming. The next morning, about seven or eight, we heard explosions outside and a lot of yelling. Suddenly a trench mortar came through the roof and exploded in the hut, causing 20 or 30 casualties. We immediately asked for medical supplies and asked for a doctor. None came and a cry went up to strip our shirts and towels and use them as bandages. We were then told we were going to be moved. We asked for stretchers, got none, and we took away what wounded we could with us. We were then taken down Stanley Gap road and along Mount Parker. It took about three hours in all to get to North Point.

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EXAMINATION OF P.W. NO. 6 - E.C. FINCHER (Cont'd).

Q. What happened to your wounded?

A. A night in North Point and then we were moved to the Maryknoll Mission in Kowloon the next day. We were there able to get medical supplies.

Q. I am speaking of the wounded in the hut that was struck by the bomb. What happened to them?

A. Outside of those we took away with us, we only met one of them who came back to us in Argyle Street some weeks later. I don't know what happened to the others.

Q. Can you estimate how many were left behind?

A. I could not.

Q. I mean within a reasonable number? One of two or what?

A. There were more than that.

Q. How many more?

A. I think about 15 or 20.

Q. I am not asking for an exact number but I would like to know if there was one or two or quite a number. You say about 15 or 20?

A. Yes, about 15 or 20.

Q. And you say only one came back later?

A. Yes, he died later in the camp.

Q. His name was?

A. Mogra.

Q. Can you estimate approximately the number of people put into that mess hut?

A. I think about 200 in a very small hut.

Q. Can you estimate the size of the hut?

A. I could show it to you when we get out there.

Q. Can you tell us how crowded it was? We want that in the record because there are others besides ourselves who read it.

A. It was very uncomfortable. We had to take turns in standing and sitting. It was that crowded.

President: I think this will be a convenient time for a five minutes recess. The Court is adjourned for five minutes.

ADJOURNMENT

At 1125 hours, the Court adjourned.

RESUMPTION

At 1137 hours the Court reassembled pursuant to adjournment.

Present: The same members as at adjournment.

~~The Court is now in session.~~

CROSS-EXAMINATION BY DEFENCE COUNSEL.

Q. What was the name of the unit to which ^{you} were attached?

A. No. 3 Company, HKVDC.

Q. Were there any other units mixed with this unit?

A. At Wongneichong Gap, yes.

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CROSS-EXAMINATION OF P.W. NO. 6 - E.C. FINCHER (Cont'd).

Q. On December 19, where were you?

A. At the top end of the Stanley Gap Road at the top of the hill.

Q. According to your evidence, you were in charge of the food store, is that correct?

A. Yes.

Q. At that place, there were only members of the HKVDC, or were there members of other units?

A. At what place?

Q. I mean the soldiers who were guarding the food store. Were they all Volunteers or were there other soldiers?

A. All Volunteers.

Q. Could you explain in more detail the circumstances when you surrendered?

A. We were guarding the Stanley Gap road and the main attack came from what they call the continuation of Stubbs Road from Blue Pool Road. The attack came that way.

Q. Having in mind the junction of the roads at Wongneichong Gap, from what direction did the Japanese attack come?

A. It appeared to me to come from the direction of Blue Pool road. All the firing came from the direction of the police station down that area.

Q. Then from the junction, what direction was that? East or west?

A. The attack, I think, came from west of Stanley Gap.

Q. Is not Stanley Gap east of Wongneichong Gap?

A. That is right.

Q. Then having that in mind, from what direction did the Japanese troops come?

A. I presume they came from the west or north-west direction. I was down east.

Q. Did the Japanese troops ^{come} from the direction of Mount Nicholson?
A. That I cannot say. I was down Stanley Gap road. The attack come from behind us.

Q. Did you give any resistance?

A. We were overrun from behind.

Q. According to your evidence, the total number of persons there were 20 to 30, is that correct?

A. Yes.

Q. At that time, did you know what was the number of the Japanese troops that came?

A. No.

Q. You surrendered immediately without giving any resistance, is that correct?

A. Later in the day. The attack opened on the 18th and we surrendered on the afternoon of the 19th.

Q. Do you know at what time on the 18th the attack was opened?

A. We were ordered to stand to about five minutes to twelve midnight and then told to stand down later on. It was about 2.30 or 3 a.m. when a runner came from one of our posts at Jardine's Lookout to say that they had been attacked and wiped out.

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CROSS-EXAMINATION OF P.W. NO. 8 - E.C. FINCHER (Cont'd).

Q. When was the report received? Was the report received on the 18th or 19th?

A. This was on the morning of the 19th.

Q. When you received the report, what was the time?

A. About 2.30 a.m. or 3 a.m.

Q. After you surrendered, ^{where} ~~where~~ were you assembled?

A. On Stanley Gap road.

Q. At that time, was there any artillery fire from the British?

A. On our position?

Q. The place where you were assembled, was it near the store house?

A. Yes.

Q. In that direction, was there any artillery fire from the British?

A. On our position, where we were?

Q. Yes, on that position, because the Japanese were there.

A. As far as I know, there was no attack made by our people until the next morning.

Q. By the next morning, do you mean the morning of the 19th?

A. No, on the morning of the 20th.

Q. The date when you surrendered, was that ~~not~~ not the 20th?

A. No, it was on the 19th.

Q. You said that three soldiers were killed. Do you know where they were killed?

A. I can show you when the Court goes out. They were killed on Stanley Gap road.

Q. Did you see the actual killing or did you see the bodies after they were killed?

A. No, I saw the bodies after.

Q. Where were the bodies on the road?

A. Lying where we were assembled, huddled up.

Q. Can it be thought that these persons were killed before you surrendered?

A. Certainly not.

Q. Then when were these soldiers killed?

A. I cannot give any exact time but I think about 5 to 6 p.m. on the 19th.

Q. Then were they killed after they became prisoners-of-war or were they killed before they became prisoners-of-war?

A. We had surrendered and were being assembled on the road by the Japanese troops.

Q. Then you mean to say when you surrendered these three bodies were already lying on the road?

A. Certainly not.

Prosecutor: He is presuming something, Sir, that has not been said. It was obviously not said.

Defence Counsel: The witness said he did not see the actual killing of the three soldiers.

President: That is correct. He said he saw the bodies

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CROSS-EXAMINATION OF P.W. NO. 6 - E.C. FINCHER (Cont'd).

lying down afterwards.

Q. You said that the bodies were in a pool of blood. What do you mean by a pool of blood?

A. They were huddled up and there was blood on the ground.

Q. What do you mean by a pool of blood?

A. Blood oozing from their bodies. They were huddled on the ground.

Q. You said that after you surrendered you were taken to the mess hut. Where was this mess hut situated?

A. I can show the Court that when we get out there.

Q. You said a Japanese officer came there. How did you know he was a Japanese officer?

A. He had no rifle and bayonet like the ordinary soldier.

Q. Then you mean to say because he did not have a bayonet on his rifle he was ~~not~~ an officer?

President: He said he did not have a rifle or bayonet.

Q. When you surrendered, how many Japanese were in the vicinity around you?

A. I cannot tell you.

Q. Do you know how many officers there were amongst them?

A. One was going through my pockets at the time we were assembled.

Q. At that time, did the officers and soldiers wear some sort of a mark?

A. I did not look for that.

Q. Then is it all right for me to take it that the soldiers that were around, that is, the officers and soldiers, did not wear any marks?

A. That I am not prepared to say. I did not notice any and I cannot say.

Q. Then you mean to say they did not have any marks at all?

A. I cannot say. I did not look for any.

Q. After you were taken out of the store house and taken to the small hut, you said there were already about 200 prisoners-of-war assembled there?

A. That is correct. About 200.

Q. Besides these 200 persons, how many were in your group when you arrived there?

A. What do you mean by in my group?

Q. You said that there were about 200 in the hut. How many soldiers were with you when you arrived there?

A. About 20.

President: Perhaps there may be a bit of a misunderstanding here. When you were taken to the hut, were there any other people in the hut when you arrived?

Witness: I think there were about 200.

President: 200 already there?

Witness: Yes.

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CROSS-EXAMINATION OF P.W. NO. 6 - E.C. FINCHER (Cont'd).

President: Were any others brought in after you got there?
 Witness: There were a few.

Q. Can you say what this small hut was made of? Was it a concrete or a wooden structure?

A. It was made of asbestos sheeting with a thin wooden roof with tar paper or something of that type.

Q. Can you give the size of the hut?

A. I can show it when we get out there.

Q. Can you not give an approximation of the size in yards or feet?

President: The witness has already said in answer to the Prosecutor that he is unable to give an approximation until we see the hut ourselves. I don't think there is any point in pressing him further.

Q. Did 20 or 30 persons ~~live~~ die because the British mortar shell hit the hut?

A. 20 or 30 casualties.

Q. You said in your evidence that it took you about three hours to reach North Point. Did everybody in that hut, that is, the 200 and your party and those that came in later, besides the casualties, go to North Point?

A. The dead were left there and quite a number of the wounded. We did not take all away. We managed to get a few planks and placed some of the wounded on them and carried them down with us. The rest of the wounded were left in the hut.

Q. In your evidence you said in answer to a question from the Prosecutor that you saw three dead bodies and later you said that the three soldiers were stabbed to death. Could you tell the Court with what these three soldiers were stabbed?

A. I did not say that. I said when we were assembled, they were bayoneted by this soldier that came across the road.

Q. Then you did not witness the actual bayonetting?

A. I have said that before, that I did not see the actual bayonetting.

Q. What was the climate on the 18th and 19th December, 1941? That is, the climate in the vicinity of Wongneichong Gap?

President: By climate, I think you mean the weather?

Defence Counsel: Yes. I wish to know whether it was raining or clear.

A. As far as I can remember, it was quite clear fine weather.

Q. Was it clear on the 18th also, do you remember?

A. As far as I can remember, yes.

Q. On the 19th, you just said it was clear. Then how about the 20th? Was it clear also?

A. Yes.

RE-EXAMINATION BY PROSECUTOR.

Q. You told the Court that an officer was searching you. How did you determine he was an officer? What made you think so?

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RE-EXAMINATION OF P.W. NO. 6 - E.C. FINCHER (Cont'd).

A. He had a sword and he had high boots on.

QUESTIONS BY THE COURT.

Q. Could you describe to the Court in a little more detail the circumstances of your actual surrender? How did you come to surrender?

A. I was in charge of this store house in Stanley Gap road and I was detailed to guard the lower Stanley Gap road. I placed my men outside and we waited. Firing came from the other side and continued all that day and then it ceased. Then we heard Japanese voices at the top at the back of us. Japanese troops started to come through Stanley Gap road but they got around the back of us.

Q. When you realised the Japanese were behind you, what did you do then?

A. We kept a lookout from the store and the shelter and eventually we gave ourselves up.

Q. Can you describe the circumstances? Did you speak to anyone or see anyone?

A. The main body was coming out with their hands up, when we came out. We were then assembled on the south side of the road.

Q. You referred to being attacked by the Japanese. By being attacked did you mean you were being fired on or was there an actual attack launched on the position where you were?

A. All around the back of us were being attacked and we were also shelled by mortar. We had a direct hit by mortar.

Q. Were you being fired on from Mount Nicholson? That was ^{to} the west of your position?

A. That I cannot say. The ~~mortars~~ mortars was coming from Stanley Gap.

Q. Now, the three men whose bodies you say you saw on the road. Were they all known to you personally?

A. They were members of my company, Sir.

Q. What was the last occasion when you saw or heard of them before that?

A. As we were coming out of the store to surrender, they were with us.

Q. Had any of them been wounded, as far as you know?

A. Not as far as I know.

President: Mr Takano, arising out of the questions the Court has asked the witness, do you wish to ask any other questions?

Defence Counsel: No, Sir.

President: Major Puddicombe?

Prosecutor: No, Sir.

The Witness was told to stand down, subject to being recalled to visit the scene.

Prosecutor: At this point, Sir, I wish to give notice of calling a witness about whom I did not know until this morning. He is Ian Philip Tamworth. I propose to call him on Thursday morning. I will now hand his statement to the defence.

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P.W. NO. 7 - J.R. WINYARD.

After the Witness had been sworn, he was examined by the Prosecutor, as follows:

EXAMINATION BY PROSECUTOR.

Q. Will you tell the Court your full name?
A. James Risley Winyard.

Q. Where were you born?
A. In Hongkong.

Q. I understand your permanent address is in Hillwood Road and you are presently employed by the BOAC, is that correct?
A. Yes.

Q. Where were you in December, 1941?
A. I was with the HKVDC as a lance-corporal in No. 3 Company.

Q. Can you tell the Court where your station was?
A. Wongneichong Gap.

Q. On what date?
A. We arrived at Wongneichong Gap on the 12th and we stayed at Wongneichong Gap until the time of my capture which was on the 20th.

Q. I will ask you to look at the pictures in this folder, which is Exhibit F, and tell the Court if you can identify any of them?
A. I believe these two photographs, Nos. 3 and 4 are facing the Kowloon side of Wongneichong Gap. It is on the left of the Gap as you go up. I think No. 2 is Wongneichong Gap road which leads down to Repulse Bay. I cannot recognize No. 1.

Q. Can you indicate to the Court on any of the pictures which you have identified where your position was on the date of your capture?
A. It does not show the position.

Q. Possibly you can describe to the Court your position on these days in relation to the road which you pointed out in the picture?
A. I don't quite get your question, Sir.

Q. Will you try to tell the Court just where your position was on Wongneichong Gap?
A. There is the road which leads off Wongneichong Gap road which brings you right to the top and at the top of this hill, the 5th Anti-aircraft Battery was stationed. We were there as local defence for this Battery. My position overlooks and commanded Wongneichong Gap road. My position was to cover Wongneichong Gap Road, as it was higher than the road.

Q. What do you call Wongneichong Gap road? Was it the road on the same side of the pictures Nos. 3 and 4 that you remember or was it on the other side of the Gap?
A. Wongneichong Gap is on the right of these two pictures, I think.

Q. Let's forget the pictures for the moment. Can you tell us how Wongneichong Gap runs itself? Does it run north or south or east or west approximately?
A. I think approximately north and south and the hills on the east and west of the gap.

Q. Where was your position? On the east or west hill?
A. On the east hill.

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EXAMINATION OF P.W. NO. 7 - J.R. WINYARD (Cont'd).

Q. Where was ~~Wongneichong~~ Wongneichong Gap road? On the east or west hill?

A. The only road, I believe, is the one that runs up between these two hills and it goes down to Repulse Bay.

Q. That is what you are referring to as Wongneichong Gap road?

A. Yes.

President: I think this will be a convenient point at which to adjourn.

ADJOURNMENT

At 1235 hours, the Court adjourned until 1415 hours.

RESUMPTION

At 1430 hours, the Court reassembled pursuant to adjournment, the same members as at adjournment being present.

EXAMINATION OF PW. NO. 7 - J.R. WINYARD (Contd)

Q. This morning you were telling us about where the position was. I want you now to tell the Court what happened at that position, as briefly as you can?

A. The Japanese came up to our position somewhere later in the afternoon of the 19th.....

Q. Will you tell the Court from where they came up and from which direction they came?

A. Some of them came from the Wongneichong Gap Road direction, coming up through Cecil's ride. Another force came up over the hill passing the various positions on the side of the mountain facing Kowloon through positions in Jardine's Lookout. I was with COMS Fincher in one of the shelters and late in the afternoon of the 19th the Japanese came up to our position. The time, I should think, was about four o'clock. He and I were ordered out of this shelter and made to stand on the roadway. Meanwhile, others were also captured and were made to collect at that point. We were made to kneel for about half an hour after which we were asked to stand again. One or two Japanese at that point ~~started~~ started hitting people with sword scabbards and trenching tools.

Q. Can you say who these Japanese were? I don't expect you to know their names but can you indicate whether they were the people who captured you or whether they were of another unit?

A. I should say they were the people who captured us because they came up as a party and they were there when we came out. After that we were ~~led~~ led off in small groups with our hands tied. Gosling, MacKechnie and Young were standing behind me, slightly to my left, and for no reason whatever one of the Japanese went up to MacKechnie and "ju-jitsued" him. Then another Japanese came up and bayoneted him in front. Gosling was hit over the head two or three times with a pick-helve and he was also bayoneted. Young, I did not see him get bayoneted, nor did I see him bayoneted. After this we were then left away to the mess hut which was slightly above the road.

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EXAMINATION OF P.W. NO. 7 - J.R. WINYARD (Contd)

Q. You say the mess hut was slightly above the road. Can you say the direction of the road you speak of?

A. Approximately, I should say the road ran off Wongneichung Gap Road in an easterly direction.

Q. You say that the road ran in an easterly direction from Wongneichung. I want to know what direction you came from when you came to the point you have just described. Did you come from the direction of Wongneichung Gap or from the opposite direction?

A. I should say I was coming from the Wongneichung Gap direction to this hut. We stayed there overnight and early the next morning, I think it was about 7 o'clock, we were led away in groups down to North Point camp.

Q. I just want you to say again how many you ^{see} say die in the fashion you have described or how many of them you say dead.

A. I should say definitely that Gosling, MacKechnie and Young, and I know that Lim was also bayoneted.

Q. Can you give the Court any idea of the racial nationality of these men?

A. Lim was a Chinese and Gosling, MacKechnie and Young were Eurasians.^{see}

Q. The place where you were congregated overnight, how large was it?

A. About seven yards by five.

Q. Can you give the Court any idea how many people were placed there?

A. I should think there were over 130 men because we were all sitting in a cramped position. Most of the people were sitting on the floor. There were a few sitting on barracks forms and quite a few on barracks tables.^{see}

Q. Can you tell the Court what went on while you were in that hut?

A. I cannot say very much because we were all cramped in this position but I can say our hands were still tied behind our backs and we were guarded at the entrance by four or five Japanese. We were not allowed out, we were not given anything to eat and we were given no water to drink.

Q. Do you think you would be able to point out the position of the hut you occupied if you go up to Wongneichung Gap again?

A. Yes.

CROSS-EXAMINATION BY DEFENCE:

Q. During the period from December 18 to 20, did you always make your movements with Fincher?

A. No.

Q. I am talking about Fincher, a member of the Hongkong Volunteer Defence Corps, who had a position at Wongneichung Gap.

A. I do not know what exactly you mean. Fincher as CQMS had a place which he called his stores. We had to go out and now and again congregated back at the stores which was also the Platoon Hq.

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CROSS- EXAMINATION OF ~~REDACTED~~ P.W. NO. 7 - J.R. WINYARD - (Contd)

Q. After you have surrendered, did you ever go together with Fincher again?

A. Yes, we were at North Point together, Argyle Street camp together and Shamshupo Camp together until the time he was drafted to Japan.

Q. How about before you arrived at North Point?

A. Yes, we were in this mess hut together.

Q. The position which you were guarding in relation to Wongneichung Gap, where was it situated?

A. I don't know what you mean.

Q. Can you give the circumstances under which you surrendered to the Japanese? First of all, I will ask you how many persons were with you when you were guarding the position?

A. Scattered over the hills, I should say there were somewhere around in that area on the Gap itself about 30 to 40, but I only had about seven men with me.

Q. At that time from what direction did the Japanese come?

A. As I said before, they came from Kowloon side, coming up to Jardine's lookout, which would be in the direction from north to ~~South~~, and the other direction, opposite Cecil's Ride, would be from west to an easterly direction from where we were. They came above us and from the west, going east.

Q. Do you know the number of the Japanese troops that came at that time?

A. I could not say, but those who captured us must have been few, I should think about 100.

Q. What was the date and time at that time?

A. As I said it was on December 19, 1941, about 4 o'clock, I should think.

Q. In the afternoon?

A. Yes, late afternoon.

Q. Did you give the Japanese troops any resistance or was no resistance offered?

A. We resisted until there was no other alternative since we were surrounded. The position was that no other successful resistance could be offered.

Q. How many hours did you resist the enemy?

A. About 2-3 hours.

Q. Then, was it not around 6 or 7 o'clock when you surrendered to the Japanese?

A. No, it was about 4 o'clock, I should think.

Q. After you surrendered, what happened?

A. Well, the first thing I was in the pill box, in this shelter, dugout, with CQMS Fincher. We were ordered out, we were made to kneel for about half an hour, afterwards we were made to stand, got our hands tied behind our backs, but before we got our hands tied I ~~myself~~ myself was hit over the head with an entrenching implement, tool, others were hit with sword scabbards, and we were led away. The whole thing took about an hour.

Q. What was the size of this entrenching implement?

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CROSS-EXAMINATION OF PLW. NO. 7 - J.R. WINYARD (cont.):

A. The thing was about - it had a stock, say a foot long to a foot and a half, had a spike on one end and a shovel, sort of pick on the other end, one end was rather wide and flat, the other end was pointed with the spike.

Q. Do you mean the handle was one to one and a half feet or the whole thing was one to one and a half feet?

A. The handle was, of course one and a half feet, the stock about that long (18 inches).

Q. Were any other implements used ~~here~~ besides this entrenching tool and scabbard of swords?

A. Yes, as I said, Gosling was hit over the head with a helmet.

Q. You said you saw three corpses. Where were they located?

A. I can show you the position if I were to go up there, but as far as I can remember MacKechnie was lying face downwards, with Young, I think, lying over him and Gosling lying not more than about one and a half feet away from the other two.

Q. Were these bodies in that position when you were assembled?

A. No, I did not notice the bodies when we were assembled there, but as we were marching out of the Wongneichong Gap, the bodies were in that position.

Q. Do you mean that you were on your way to the mess hut you saw the bodies like that?

A. I saw the bodies like that when we were on our way to North Point Camp out of the mess hut.

Q. Then when you saw them, were they on the 20th. Is that correct?

A. Yes, that was on 20th.

Q. You said that there were three other soldiers killed, is that correct?

A. I said there were three others? I said there was one other killed and his name is Lim.

Q. Do you know whether this person Lim was killed?

A. He was killed around the same vicinity. He surrendered, or captured, the same time as we were and he was standing to my left and I could not really see what happened to him.

Q. Then you did not see the actual spot where Lim was killed, is that right?

A. Well, I know approximately the spot where he was killed.

Q. Then you did not see the actual killing, is that right?

A. That is right, not of Lim.

Q. When you were brought to this mess hut, was there any unusual incident or something? That is to say, until the 20th, the time when you left the hut?

A. I don't really know what you mean by something unusual. We had our hands tied behind our backs, as I have said, and we were guarded. Apart from that I don't think there was anything unusual which took place.

Q. You said just before that you were with Fincher, who was in charge of the storehouse. Is that correct?

A. That is correct.

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CROSS-EXAMINATION OF P.W. NO. 7 - J.R. WINYARD (cont.):

Q. Then were you brought with this person to North Point together?

A. Yes.

Q. When you were surrounded by the Japanese and at the time when you surrendered and assembled, did you see any other person besides the Japanese troops. I wish to ask whether there were any other officers present or not?

A. Yes, there was one officer I recollect, coming out, but only for a very short period.

Q. Did this officer and troops that surrounded you wear any markings?

A. No other markings except the usual camouflage which you see during wartime. I do not know the rank badges but I think the officer wore some rank badge on his tunic.

Q. What sort of thing did this person wear on his feet?

A. I think they were top boots, I am not too sure. They looked like a pair of brown riding boots.

Q. When the soldiers were hit with the entrenching implements and the scabbards of the swords, was this before you were ordered to sit down or after?

A. I should think it was during the time we were made to kneel. I recollect being hit over the head when I was kneeling.

Q. Did you not say in your evidence before that you were ordered to sit down. Then you were ordered to stand up and assembled and during that time you were assaulted?

A. I recollect saying that we were ordered to kneel, but it was during that time or round about that time that I was hit. As you know this event took place sometime ago, it is not that it was yesterday. It is years now since that happened.

Q. Do you remember who were the persons that assaulted you? Were they soldiers or somebody else?

A. Definitely soldiers. They had Japanese uniform on. I don't think they were anybody else. They were not dressed in civilian; they were dressed in Japanese Army uniform, so I assume therefore that they were soldiers.

Q. Up to the time you left for North Point from the mess hut, did an incident occur which caused some casualties?

A. Yes, I believe early in the morning of the 20th, maybe a shell, but an explosion which came through the roof caused considerable number of casualties. I should think the number was round about 12.

Q. Can you remember what sort of weather was prevailing during the 18th, 19th and 20th in the vicinity of Wongneichong Gap? Was it clear, or cloudy, or did it rain?

A. I remember the night of the 18th, it was slightly drizzling. On the morning of the 19th I do not think there was any rain. The whole of the 19th there was none, I don't know the weather of the night of the 19th, but the next day, the 20th, it was not sunning, but it was rather cloudy, and I believe round about mid-day, it started to rain slightly as we were being led away. I am not too sure, but it was cold.

Re-examination declined.

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QUESTIONS BY THE COURT

INTERVIEW OF P.W. NO. 7 - J.R. WINYARD (cont.):

Q. You told the Court that these three men, Gosling, Young and MacKechnie, were kept there, behind you and to your left. Now, how did you come to see them?

A. I turned my face round and as I saw MacKechnie fall I told MacKechnie to stand up and ~~the Japanese~~ through that I saw what I wanted to see and after that I saw him getting bayoneted. Then I turned my face forward again.

Q. The other two men - Young and Gosling. Were they standing close to MacKechnie?

A. They were standing very close to MacKechnie. Young was standing about a yard away from MacKechnie and ~~Gosling~~ Gosling was standing in the same vicinity, with MacKechnie nearest to me.

Q. Did you see Gosling bayoneted as well?

A. Yes, he was hit over the head first and then he was bayoneted in the front.

Q. And Young. What did you see happen to him?

A. Young, I am not too sure. He was also bayoneted but I believe in his case he was bayoneted from the rear after being hit, I believe.

Q. Will you tell the Court exactly what led up to these three men being struck and bayoneted? Exactly what you saw.

A. No reason whatsoever. They started on MacKechnie first. One Japanese came to him, spoke or shouted to him in Japanese, and the next thing he did he jujitsu him, threw him over the shoulder and meanwhile a second Japanese came up and just bayoneted him from the front. Another Japanese came up to Gosling, more or less the same time, gave him two or three hits with the helmet, resulting in a ~~cut~~ cut on his head, you could see blood coming out of the head and the same Japanese who bayoneted MacKechnie just bayoneted him. As Young was in the middle of these two, the position was that MacKechnie was nearest to me and Gosling furthest, Young in the middle. He just took one step forward and I don't know whether it was the same Japanese who bayoneted him, but when we were marching away from Wongneichong Gap next day he was lying over MacKechnie.

Q. How long was it after this bayoneting take place that you were taken to the mess hut?

A. I should think not more than 15 minutes.

Q. You described what you saw happen to two men, yet you cannot tell the Court what happened to the man who was standing between them?

A. It is so long now since this incident took place. The bayoneting of the two and the hitting did not take more than two minutes, and the whole thing was over.

Q. Before this happened, did either Gosling or MacKechnie or Young say or do anything?

A. No, Sir, I don't think any of them said anything or did anything contrary to the Japanese order.

Q. Did you notice where COMS Fincher was at the time?

A. He was somewhere in the front of me in the first row, I think. I could not say the exact position. He was in front anyway.

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QUESTIONS BY THE COURT OF P.W. NO. 7 - J.R. WINYARD (cont.):

Q. You said you saw a man - a Japanese - there whom you took to be an officer. What made you think he was an officer?

A. Firstly, he wore a better quality uniform; secondly, his insignia instead of having the usual red, was something whitish sort of insignia which I thought would be an officer of some kind, and he looked more the type that was an officer and not other rank.

Q. Did you notice what arms he was carrying?

A. No, Sir, I knew that he was not carrying a rifle. He did not have a rifle, and I did not notice what he was carrying.

Q. You told the Court that you were very sure that this took place at about 4 o'clock in the afternoon, and not about 6 o'clock as was suggested by the Counsel for Defence. Can you tell the Court why you are so certain it was the earlier time and not the later?

A. Well, Sir, usually it gets dark rather fast after 6 and it seemed to me longer than an hour before it was dark, so I should imagine the time was more 4 than 6.

The President reminded the Witness that he might be recalled and show the Court the places (described by him) at Wongneichong.

Rec No questions by Defence or Prosecution. Rec

P.W. NO. 8 - FRANCIS R. ZIMMERN.

After he had taken an oath, the Witness was examined by the Prosecutor as follows:

EXAMINATION BY PROSECUTOR:

Q. Will you tell the Court your full name?

A. Francis R. Zimmern.

Q. I understand you are a stockbroker and you live at No.2 Conduit Road, Hongkong. Is that correct?

A. Yes.

Q. You are of British nationality?

A. Yes.

Q. Will you tell the Court what you were doing in December, 1941?

A. I was a stockbroker in 1941.

Q. In the month of December, 1941, what were you doing?

A. In December I was a volunteer in the Hongkong Defence Corps.

Q. Will you tell the Court what happened at that time?

A. At the time when the war broke out or after?

Q. I want you to tell the Court what you were doing in that month. You say you were a volunteer. Where were you stationed?

A. I was stationed down at North Point by the Taikoo Dockyard.

Q. That would be when, Mr Zimmern?

A. From December 9 until December 15.

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EXAMINATION OF P.W. NO. 8 - F.R. ZIMMERN (cont.):

Q. What happened after December 15?

A. On December 15, we were transferred to Jardine's Lookout.

Q. How long were you there?

A. We were there until the 18th. About midnight on 18th or early morning 19th we were attacked by the Japanese attacking forces.

Q. Where was your position when you were first attacked?

A. I have forgotten the pill box number, but it was ^{at} Jardine's Lookout. ^{see}

Q. Can you tell the Court briefly where Jardine's Lookout is, Mr Zimmern?

A. Jardine's Lookout is along Sir Cecil's Ride, which is a path running from Stubbs Road down to North Point. It is in the middle between Stubbs Road, running down to North Point and just above that is the Tai Hang Road.

Q. You say ^{see} Cecil's Ride runs from Stubbs Road. Just where is that?

A. Stubbs Road, it branches off Wongneichong Gap.

Q. I want you to look at these photographs (Exh. F) and tell the Court if you can identify any of them at all?

A. I recognise group photo No.1. It overlooks Wongneichong Gap and the reservoir. No.2 would be the same, overlooking Wongneichong Gap. I think 3 and 4 show the Jardine's Lookout, taken from Stubbs Road, showing Cecil's Ride.

Q. You indicated what these two are. Does Stubbs Road show on either of these two pictures, Nos.1 and 2?

A. This would be Stubbs Road here, passing through the Gap here (Witness indicates road on the right hand side of photos, about half way up).

Q. You say ^{see} Cecil's Ride runs along the area indicated by pictures 3 and 4?

A. Yes.

Q. And Jardine's Lookout. Can you say where that is in relation to either of 1, 2, 3 or 4?

A. Jardine's Lookout would be over this side, which is not indicated in the picture.

Q. You were ^{at} in Jardine's Lookout and attacked there first, you say?

A. Yes.

Q. Will you just go on from there?

A. We heard spasmodic rifle firing and we stood to, on the night of the 18th, near midnight. I contacted the next position which was nearer ~~Tai~~ Taikoo. Our commanding officer, Capt Homes, was in charge of the pill box and he sent a messenger over telling us that he also heard firing, and told us to stand to. A few minutes after midnight, on the morning of 19th, the position next to ours was attacked. Then 10 to 15 minutes later the position was overrun. Private MacKechnie then came over to our position. We then fell back on to Stanley Gap, our headquarters.

Q. Do any of these pictures indicate where that is, Mr Zimmern?

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EXAMINATION OF P.W. NO. 8 - F.R. ZIMMERN (cont.):

A. Yes, it shows the road running up to Stanley Gap, branching off Stubbs Road, but it does not show Stanley Gap. (Photo No.1 indicated).

Q. What is that?

A. That is the reservoir.

Q. Will you look at these other photographs?

A. Photo No.7 would be our HQ. Photo No.6 shows the road running up to Stanley Gap.

Q. You fell back there, and what happened then?

A. We reported to HQ that we had been attacked. By then various telephone lines running between pill boxes to HQ had been cut.

Q. Just tell us what happened in relation to the Japanese, Mr Zimmern?

A. We were attacked from all sides. We surrendered at about 3 o'clock in the afternoon of the 19th. We were then lined up in front of the road and we were then told to kneel. We were completely stripped of all articles. We lined up in rows of approximately five. After we knelt some of the Japanese came along and started facing us.

Q. Who were these Japanese?

A. They were soldiers of the attacking forces. They pushed ~~him~~ a young Canadian, aged about 16, who was next to me, and then bayoneted him. At the extreme left was L/Cpl Lim of the Volunteers. They pushed him over and three Japanese soldiers then tramped on his head till he died.

Q. Who was that, Mr Zimmern?

A. L/Cpl Lim. Private Gosling and MacKechnie were also bayoneted to death. We were then tied up in twos and led into what was then a shed used as a sort of dining room.

Q. Just to go back a bit, Mr Zimmern. At the time of the surrender can you tell the Court in what direction the troops to whom you surrendered came?

A. They came from North Point and also from a hill over Jardine's Lookout. Other Canadians were also rounded up near Jardine's Lookout and they were also taken into our shed. We were, I think, a little over 100 crowded into a very small shed. That evening we were shelled by our own troops and one shell landed in the midst of our shed. The next day all those who could walk were taken down to North Point, the others remained behind. On the 21st we were taken over to Kowloon and stayed the night at the Maryknoll Sisters.

Q. Now, Mr Zimmern, you said that Picture No.7 shows your HQ. Can you indicate to the Court where that hut was?

A. That hut is not in the photo. It is a little way down by the road. The road is not indicated in this picture.

CROSS-EXAMINATION BY DEFENCE COUNSEL:

Q. You said that you were guarding Jardine's Lookout position. How many men were in that vicinity?

A. We were 19 men in one, five in one and five in another. In all there were 29 from our own unit.

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CROSS-EXAMINATION OF P.W. NO. 8 - F.R. ZIMMERN (cont.):

Q. You mean to say that the total strength of the troops guarding Jardine's Lookout was only 29?

A. No, there were also two other pill boxes to our right and there were also units to our left.

Q. Do you know whether ^{the} British troops who were guarding Jardine's Lookout gave strong resistance to the attacking Japanese?

A. There was strong resistance, Yes.

Q. Were not some Indian troops in that vicinity?

A. No.

Q. I wish to get the time of the attack correct. You said it was midnight of the 18th or early morning of the 19th. Is that correct?

A. Yes.

Q. Also you testified that you heard some shooting and some noises during the night of the 18th. Is that correct?

A. Yes.

Q. When you first began to hear the shooting, can you remember the time?

A. I was on patrol over to the next position, it was just before midnight of the 18th.

Q. You said your HQ was situated as shown in Picture No. 7 (Exh. F)?

A. That was our company HQ, our platoon HQ was in Jardine's Lookout.

Q. The Company HQ, which hut was that?

A. It is not here, because it is rather intricate. They never found our HQ because people inside the HQ escaped two days later, after the position had been taken.

Q. You said after you surrendered on the 19th, you were taken to a small hut and that on the evening of the 19th you were hit by shell by your own troops. Can you remember exactly the time when the shell hit the hut?

A. No, no idea of the time.

Q. Was it in the late evening, just after sundown?

A. Yes, it was dark outside.

Q. Then it was before midnight?

A. I would imagine so, Yes.

Q. Did you only receive one hit by this shell?

A. There were several that were very close, but there was one direct hit.

Q. Can you remember how many persons were injured or wounded?

A. I would say at least 30. I would even say more.

Q. Do you mean by that to include those that were killed and those wounded?

A. Very seriously wounded.

Q. Killed and wounded?

A. Yes.

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CROSS-EXAMINATION OF P.W. NO. 8 - F.R. ZIMMERN (cont.):

Q. The Japanese soldiers that assaulted the soldiers that surrendered, did they have any special markings or not, do you remember?

A. They ~~always~~ always had a white tag here (left chest). Besides the camouflage I could not recognise any special markings.

Q. Can you remember what the soldiers wore on their heads?

A. Helmets, generally camouflaged with branches and brushes. *all*

Re-examination declined.

QUESTIONS BY THE COURT:

Q. These people whom you saw assaulted by the Japanese - had any of them been in your party?

A. MacKechnie came over and we were together, Yes.

Q. You told the Court that certain things happened to MacKechnie, Young and Gosling. What did you actually see yourself. Where were these people and what did you see?

A. When we were lined up on the road, I saw them bayoneted.

Q. Where were they?

A. Lim was on my left, Gosling behind, MacKechnie by my side and a young Canadian also to my left. He was bayoneted but he never died.

Q. You said they were ~~by~~ bayoneted, but how did you know. What exactly did you see?

A. They were ~~always~~ always pushed by the Japanese who followed that up with a thrust on their back.

Q. What attracted your attention to this. How did you come to see it?

A. We were generally watching from the corners of our eyes and I saw especially when they yelled. Lim especially yelled and I saw the Japanese treading on his head and at least three of them jumped on his head and it was just a mass of blood and it was an awful gruesome sight.

Q. You told the Court that the Company HQ was never found and some people who were there for two days eventually escaped. How did you know that?

A. We were told that in camp. Major Stewart was one of these and Sgt-Major White was another.

Q. Just before this bayoneting you saw, can you tell the Court if any of these men had done or said anything to cause it?

A. No.

The President informed the Witness that it might be necessary for him to go with the Court to show the place where the bayoneting took place.

No question by Defense or Prosecution *all*

Defence Counsel: I have something to ask the President. I wish to borrow the original of the report made by Maj-Gen. Shoji (Exh. Z). The purpose is that I wish to check the original with the translation because it might be possible for Sgt Ito who translated the document to make some

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Defence Counsel (cont.): mistakes.

Exhibit Z handed to Defence Counsel as requested.

ADJOURNMENT.

At 1635 hours the Court adjourned until 1000 hours on
Wednesday, March 12, 1947.

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PROCEEDINGS OF NO. 5 WAR CRIMES COURT.

Held at Jardine Matheson's East Point Godown, HONGKONG, on
Wednesday, March 12, 1947.

(Trial of MAJ.-GEN. SHOJI TOSHISHIGE of the Imperial Japanese
Army).

THIRD DAY'S PROCEEDINGS:

At 1000 hours on Wednesday, March 12, 1947, the Court
re-assembled pursuant to adjournment. Present: The same
members as on Tuesday, March 11, 1947.

President: Before we start. Mr Takano, have you
finished with the document the Court loaned you yesterday
or not?

Defence Counsel: I have not finished yet, Sir.

P.W. NO. 9 - GEORGE JAMES WHITE.

After he had taken an oath, the Witness was examined
by the Prosecutor as follows:

EXAMINATION BY PROSECUTOR:

Q. Will you tell the Court your full name?
A. George James White.

Q. I understand you are a storekeeper, Gloucester Hotel,
35 years of age, British nationality, born at Foochow, China,
of British parents?
A. Yes, that is correct.

Q. Were you a member of the Hongkong Volunteer Defence
Corps at any time, and if so, when?
A. Yes. I joined in 1932.

Q. What was your rank with them in 1941?
A. Lance-Sergeant at that period.

Q. In December, 1941, will you tell the Court where you
were stationed?
A. When I was mobilised I was first taken to Stonecutters.

Q. And from there?
A. From there to Wongneichong Gap.

Q. Do you recall when you went to Wongneichong Gap?
A. I cannot tell you the exact date.

Q. Will you tell us briefly what happened while you were there?
A. We took a position in Jardine's Lookout, Pill Boxes Nos.
1 and 2.

Q. Can you say, on Jardine's Lookout, where those pill boxes
1 and 2 are. Can you tell the Court - describe their position
so that we have some idea what way they are facing, about

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EXAMINATION OF P.W. NO. 9 - G.J. WHITE (cont.):

Q(cont.): where in Jardine's Lookout they are and where Jardine's Lookout is?

A. The Company headquarters was in Wongneichong Gap. To get to my pill box, you got to go along a catchment for about half a mile. Pill Box No.1 faced into Wongneichong Gap itself, pill box No.2 faced down the valley.

Q. Before you go any further, Mr White, I am going to show you Exhibit F. Will you tell us whether you can recognise any of the photographs?

A. No.1 is part of Wongneichong Gap. Nos.3 and 4, I think, the catchment leading to my pill box.

President: Could the Witness make that a little clearer when he says the catchment led to his pill box. Does he mean from that the slope of ground above his pill box?

Witness: It will be below pill box No.1 and above pill box No.2.

Examination continues:

Q. You say this is Wongneichong Gap and this shows your water catchment. Will you tell the Court in relation to No.1 where Nos.3 and 4 are, that is, you are looking in a certain direction in No.1, are you not?

A. The background is not very clear I am afraid.

Q. Where is that?

A. That is the reservoir.

Q. Where is the reservoir?

A. By facing this way, it is on my right. Actually the photograph should be this way and I would be more clear....

Q. Where is that reservoir?

A. At Wongneichong Gap.

Q. In relation to Wongneichong Gap, where is the reservoir?

A. If I go up it should be on my right.

Q. Go up from where?

A. From Stubbs Road.

Q. And where is Stubbs Road. You see, we don't know the places. Start from here and tell us how to get to Wongneichong Gap and what you see when you get up there?

A. As you go along down the road, you go up to Hongkong Hotel Garage, going up the hill. As you get to the top of Stubbs Road there should be a police station.

Q. We only got as far as the Hongkong Hotel Garage. What do you pass on the left as you go along that road?

A. Along the left are the Catholic, Colonial and other cemeteries.

Q. There are all sorts of cemeteries in Hongkong. We don't know them, you see, we are strangers. Is not there some feature that you can tell us?

A. There is the race course, the Happy Valley/course.

Q. You go on this up past the Happy Valley Race Course?

A. And then you get up to the top where you should find an old police station.

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EXAMINATION OF P.W. NO. 9 - G.J. WHITE (cont.):

Q. Where is the reservoir in relation to that police station?
 A. There are two ways to get to that reservoir....

Q. We are at the police station. Where is the reservoir in respect of the police station?
 A. Behind the police station towards the Repulse Bay side.

Q. Behind the police station?
 A. Yes, a little to the left.

Q. Now, looking at picture No.1, can you see where the police station is?
 A. Should be this bump here at the cross roads (white mark indicating cross roads about two inches from the right hand margin and two and a half inches from the top).

Q. Now, going from that point then, the police station, can you orientate us in so far as these pictures are concerned, and where your pill box was?
 A. It should be along here.

Q. That should be what?
 A. That should be part of this catchment here (points to white streak across the centre of No.1 photograph, about three inches from the top).

President: How would your pill box be in relation to this track?

Witness: Pill Box No.1 would be above, Pill Box No.2 would be below (Track shows in Photograph No.3).

Examination continues:

Q. Now, again looking at Nos.1 and 3, can you describe, or say, what that would be in relation to this picture?
 A. No, I am afraid not.

Q. When you were in pill boxes Nos.1 and 2, can you tell the Court what you overlooked?
 A. I was personally in pill box No.2.

Q. What did you overlook there?
 A. We looked into the valley over this direction.

Q. What valley are you speaking of?
 A. Happy Valley.

Q. You looked at Happy Valley from what direction?
 A. I would be looking north.

Q. Where would the police station be from that point?
 A. The police station would be south of my pill box.

Q. What features were there between you, if any, and the police station?
 A. There was a valley and in that valley were the Canadian headquarters.

Q. All right then, you get as far as your position. Tell us what happened when you were in that position briefly?

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EXAMINATION OF P.W. NO. 9 - G.J. WHITE (cont.):

A. On the night of the 18th, about 12 o'clock, we were told to stand to. At half past 12 we were told to stand down. Everything was quiet until about 1 o'clock when I saw tracers fired across Leighton Hill near my position.

Q. Leighton Hill will have to be identified, Mr White. Will you tell us where that is?

A. If you face north, Leighton Hill is on the right of Happy Valley.

Q. On the right facing which way?

A. North. That was on the night of the 18th. Actually we did not open fire at all until about six in the morning, that is on the 19th.

Q. Just a minute. On whom did you open fire. Where were the people on whom you opened fire and from what direction were they coming?

A. Actually it was pill box No.2 that opened fire on to the police station.

Q. That was not the pill box you were in?

A. No. It was not until about 11 o'clock when I heard a few Canadians in my pill box returning for shelter. We took them out and fired on the Japanese to the right of the police station, on a little gully where they were taking shelter. We took out our Bren gun and fired at them.

Q. ~~When~~ You were firing at the Japanese troops at the right in a gully by the police station?

A. They were just at the gap at the cross roads. By then, pill box No.1 was badly beaten up with trench mortars. etc

Q. Do you know where that fire came from, from which direction?

A. Most of it came from the police station side. We were cut off from HQ, communications and all, and it was about between 12 and 1 when we had no more ammunition with us. It was then when my officer and myself thought that we would evacuate the pill box. I evacuated my pill box with those who could move. I sent them down the gully toward Blue Pool Road.

Q. Now, where is Blue Pool Road, you have to explain to us, Mr White. We are strangers here.

A. Blue Pool Road is actually just below my pill box, about 300 feet below. After evacuating those who could move we evacuated pill box No.1. It was about 4.30 when we sent the last batch off. Then my OC came down from pill box No.2 1, and it was about this time.....

Q. Came down to where?

A. To Pill Box No.2. He was very badly wounded, so I took him into the pill box. It was this period that Private Hall came down with a white flag.

President: You say he came down with a white flag. Where did he come down from?

Witness: From a higher position around the hill.

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EXAMINATION OF P.W. NO. 9 - G.J. WHITE (cont.):

Examination continues:

Q. Around the whill from where, Mr White?

A. We take facing north, that is that direction, it would be on our right. He brought the white flag down and asked us to cease fire. He said the Japanese officers said if we came out without arms and taken prisoners we would be well cared for. He was then sent back to ask about the care of the wounded. He came back and assured us that the wounded would be well looked after. We then decided to go out. Then we were taken to a higher position where the Japanese officer was.

Q. Is this position farther away from Wongneichong Gap, or where was it?

A. We were still in the pill box. We were being led out of the pill box.

Q. You say you were taken to a higher position. Is that closer or farther away from Wongneichong Gap?

A. Facing north, it would be to the right on a higher level.

Q. Never mind about the higher level. Are you going toward Wongneichong Gap or going away from it?

A. Toward it.

Q. Facing north, you would be going toward where?

A. Facing north, we would be going right up.

Q. What do you mean by going right up?

A. Facing north, we went toward our right on to a higher level. We were met by the Japanese officer. Through a young interpreter, he spoke to us and said that "Now we are no more enemies, we are now friends," and he offered us cigarettes.

Q. When you left your pill box who went with you?

A. There were about eight of us.

Q. How many of you were there altogether in the pill box?

A. When?

Q. When you were in the pill box?

A. As I said, about eight of us who went up the hill.

Q. How many were in the pill box, Mr White?

A. The wounded?

Q. Eight went up the hill. How many were in the pill box before you left. When you were all there how many were there?

A. There were three, that makes eleven.

President: What was the initial garrison of pill box No.2, how many men to start with?

Witness: Actually we had about 12 in each pill box.

President: You decided to evacuate and pill box No.2 was evacuated first. Now where did you go to?

Witness: They were sent down to Blue Pool Road.

President: And you stayed?

Witness: I stayed.

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EXAMINATION OF P.W. NO. 9 - G.J. WHITE (cont.):

President: And then pill box No.1 evacuated. Is that correct?

Witness: They evacuated to my pill box No.2, and then I sent them up in batches again.

President: Who was left in pill box No.2 then?

Witness: There was my OC, two Canadians, L/Cpl Hung, Hall who came down with the white flag and myself. There were three wounded.

Examination continues:

Q. Describe what happened. Hall came down, you sent him back to ask what would become of the wounded, he came back. Now, what happened from that point?

A. We accepted the Japanese terms and went up.

Q. How did you go up. In what sort of formation did you go up?

A. In single file. My OC led, and I took the rear. Just as we got up by pill box No.1, L/Cpl Hung was sniped at by somebody whom I think would be the Japanese.

Q. Can you say where he was hit?

A. Yes. He was hit on the left shoulder.

Q. What happened to him?

A. He fell. I offered to carry him but he said he would be much happier if he was left in the pill box, because he would have medical aid. I then left him in pill box No.1 and carried on up the hill toward where the Japanese officer met us.

Q. So this is all before the Japanese officer met you?

A. Yes, before we met him.

Q. Before we leave Hung, what happened to him to your knowledge after he was left in the pill box?

A. We were then led.....

Q. I am asking you: To your knowledge what happened to Hung after he was left in the pill box?

A. I have never seen nor heard of him since.

Q. Can you say what nationality he was?

A. I think he was Chinese, British subject.

Q. You have told us about the Japanese officer meeting you. Will you go on from there?

A. We were then led into Wongneichong Gap, that is the No.3 Company's HQ and taken to a hut used for messing. We were then led into this hut which was very overcrowded. We asked for medical aid for the wounded, but this was refused us.

Q. How was this request made, Mr White?

A. The request was made because....

Q. How was it made?

A. To a Japanese guard at the door.

Q. How was it made?

A. We actually asked him to get permission from the Japanese

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EXAMINATION OF P.W. NO. 9 - G.J. WHITE (cont.):

officer
A(cont.): /to let the wounded have some medical aid, and this was refused.

Q. You are telling me to whom it was made and why it was made, but I want to know how it was made. Was it made in English, Japanese, Chinese or what language?

A. It was made in Cantonese as I speak it quite fluently.

Q. So I gather from that that you made the request yourself in Cantonese, is that what you are telling us?

A. Yes.

Q. All right, go on then, Mr White?

A. It was early the next morning, 20th, when the mess hut was trench mortared. Some of the officers asked me to interpret to the Japanese to get us out of the hut and let us take shelter outside. This also was refused us. One of the grenades - I took them to be grenades - hit the gable edge and caused much casualty in the hut, as it was very overcrowded. During the period whilst we were there, there were about three mortar fire shots that hit the hut itself, causing few casualties. It was not for some time afterwards when we were told that we would be taken down to a camp. We were then taken out of the hut on to the road. We took with us as many wounded as we could, and it was after some time when we were led down Stanley Road.

Q. Where did you go then?

A. We were then taken down to North Point camp.

Q. Who took you down there, Mr White?

A. I can recognise one of the guards who was in the hut standing guard just by the door and I spoke to him.

CROSS-EXAMINATION BY DEFENCE COUNSEL:

Q. Were there any Indian troops in the vicinity of Jardine's Lookout where you were stationed?

A. Not where I was stationed, No.

Q. Were there any Indian soldiers in other pill boxes around Jardine's Lookout?

A. ~~By~~ Not for some distance around, because I was not in touch with them.

Q. You just said that a Private Hall came down. Was this private a member of your Company?

A. Yes, No.3 Company.

Q. Do you know what pill box he was stationed in?

A. He was stationed in HQ, Wongneichong Gap.

Q. Could you give the date and time when Private Hall came down?

A. 19th, about 4.30 or 5, I cannot remember the exact time.

Q. Then you mean to say that before this time, Private Hall had already surrendered to the Japanese?

A. I take it to be so.

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CROSS-EXAMINATION OF P.W. NO. 9 - G.J. WHITE (cont.):

Q. When you first received fire directed at your pill box, what time on the 19th was it? You said ~~the~~ fire came from the direction of Wongneichong Gap. I wish to know what time on the 19th the first fire came?

A. I ~~cannot~~ cannot say exactly what time, but it would be around 6.30 or 7 o'clock - it was quite early in the morning.

Q. Just a while ago you said ~~in~~ in your evidence something about the time being 12 minutes to 1?

President: According to my notes, it is between 12 and 1, that is when he first saw tracer bullets being fired very early in the morning.

Witness: That was early morning on the 19th, about 1 and 2 in the morning, not in the afternoon.

Cross-examination continues:

Q. Do you know whether Hall surrendered by himself or whether he surrendered in groups? ~~all~~

A. That I would not know.

Q. Did you meet the Japanese officer?

A. Yes.

Could you tell

Q. ~~Yes~~/the Court what sort of uniform he wore. What was his dress?

A. Actually that was the first time I ever saw a Japanese officer. I could not tell you his rank, but I know he was a Japanese officer.

Q. Then how did you know that this soldier was an officer?

A. I was told by the interpreter that he was the officer.

Q. Can you remember what sort of dress the Japanese soldiers wore at the time?

A. Well, it was khaki. The officer had ~~a~~ high black boots and he had a sword.

President: Mr Takano, did you want to know the dress of the man whom the interpreter referred to as a Japanese officer, or did you want to know the dress of the Japanese troops that this man had seen. We want to be quite clear on that.

Defence Counsel: Both, Sir. The dress of the officer and the dress of the ~~the~~ troops.

Q. Can you remember what colour of the riding boots?

A. I think they were black.

Q. Do you know whether the boots had spurs on them or not?

A. That I did not notice.

Q. What did the officer wear on his head?

A. He had a steel helmet on.

Q. What did the soldiers wear on their heads, can you remember?

A. Also steel helmets.

Q. Do you know what the soldiers were wearing on their legs?

A. I think - I am not sure - some of them wore split toe rubber shoes.

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CROSS-EXAMINATION OF P.W. NO. 9 - G.J. WHITE (cont.):

Q. The decision for you to surrender, was that your own decision, or was that the decision of your superior officer?
 A. We talked it over and we thought it best.

Q. What was the name of your superior officer?
 A. Lt B.C. Field.

Q. You said that Hall came down and that he then returned. What direction did he go?
 A. He went to where the officer was standing at the top.

Q. Can you remember whether the officer was the only person on the higher position or were there some Japanese troops around him?
 A. There was the officer and a few Japanese troops.

Q. As you were in Pill-box No. 2 and you said that he went up, do you mean he went up in the direction of Jardine's Lookout?
 A. He went up past Pill-box No. 1 and on to a hill. There is a flat piece of ground there and then you go over a little hump.

Q. You said that some grenades were thrown at the hut. Do you know whether or not they were thrown by your own troops or did the Japanese soldiers throw the grenades?
 A. Not grenades, trench mortars.

President: When the witness used the word "grenades," I think he was referring to trench mortar shells, is that right?
 Witness: Yes.

Q. Did you make a statement to the War Crimes Investigating Section on February 27 this year?
 A. Yes, but I cannot remember the exact date. I did make a statement.

Q. Will you please see if this is your signature or not?
 A. Yes.

Q. In your statement you said, "We were then taken to the headquarters at the corner of Stanley Gap Road." I wish to ask you what you mean by the headquarters?

A. Between that headquarters is either our own headquarters or the Japanese headquarters, for the simple reason they took us there.

Q. Then how do you know this was the Japanese headquarters?
 A. That is where they would take us, I take it.

Q. Then you mean to say you were taken to some other hut after you were taken to the headquarters, is that correct?
 A. We were taken straight to this hut from my position.

Defence Counsel: I have no more questions, Sir.

President: Do you wish to file that statement as an exhibit?

Defence Counsel: No, Sir.

RE-EXAMINATION BY PROSECUTOR.

Q. What became of Pte Hall?

A. Apparently Hall was killed that morning when the shell hit the gable edge of the mess hut.

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QUESTIONS BY THE COURT OF P.W. NO. 9 - G.J. WHITE (G-344).

Q. Can you tell the Court when you spoke to this Japanese guard in Cantonese whether he was able to understand you?

A. He spoke to us.

Q. In what language did he speak to you?

A. Also in Cantonese.

Q. When requests were made after the first trench mortar shell hit the building and requests were made for permission to leave the ~~building~~ hut to take shelter outside, who made the requests and to whom were they made?

A. I was asked by some of the officers sitting around me to make these requests to the Japanese.

Q. Did you make the requests to the same man?

A. I made it to the guard standing at the door at that period.

Q. And in what language did he reply to you?

A. Also in Cantonese.

Q. Were there any Indian members of the HKVDC?

A. Not in my company.

President: Do you wish to ask any other questions, Mr Takano?

Defence Counsel: No, Sir.

President: Maj Puddicombe?

Prosecutor: Just the usual thing, Sir. If the Court desires it, the witness should be notified now that he may be required to go to Wongneichong Gap.

The Witness was told to stand down, subject to being recalled to show the Court the places he had spoken of.

P.W. NO. 10 - CHEUNG SHUI-LING

After the Witness had been sworn, he was examined by the Prosecutor, as follows:

EXAMINATION BY PROSECUTOR.

Q. Will you tell the Court your full name?

A. Cheung Shui-ling.

Q. I understand you are 38 years of age, of British nationality, born in Hongkong, that you are at present living at 18 Village Road, first floor, and you are a school-teacher?

A. Yes, except that I am 39 this year.

Q. Will you tell the Court what you were doing in December, 1941?

A. I was a private in No. 3 M.G. Company, HKVDC.

Q. Can you give the Court briefly a description of what happened when you were a private in December, 1941?

A. When we were mobilised on December 8, we went down to Taikoo Docks and there ~~we~~ we stayed up to the 16th when we were ordered to go to Jardine's Lookout. On the morning of the 19th, our position was attacked.

Q. Can you tell us where Jardine's Lookout is? What is Jardine's Lookout to begin with?

A. Jardine's Lookout ~~is~~ is a valley between some ^{ridges} bridges among some hills.

EXAMINATION OF P.W. NO. 10 - CHEUNG SHUI-LING (Cont'd).

Q. Where is it?

A. It is ^{about 100} up Taihang Village.

Q. Go on then, please?

A. After the enemy succeeded in wiping out two of our posts, we went to company headquarters at Stanley Gap to report the incident.

Q. Were you able to see these two posts being wiped out?

A. No, because it was in the early hours of the morning. On the morning of the 19th, the Japanese attacked us again.

Q. Where were you then, back in your position?

A. No, we were at Stanley Gap.

Q. And where is Stanley Gap?

A. Stanley Gap is near Stubbs Road.

Q. Where is Stubbs Road?

A. I can show it on a map.

Exhibit "A1" is shown the witness.

President: Where does Stubbs Road lead from and to?

Witness: It leads from Gap Road on to Island Road. Gap Road is between Morrison Hill Road and Queen's Road East.

President: What is the name of this road here on the west side of the Racecourse?

Witness: ~~Stubbs~~ Stubbs Road.

Prosecutor: Where does it go to?

Witness: It goes to Island Road (Witness indicated on the map a road leading south).

(Indication on map: Starting at square ⁵⁶⁻⁹⁷ 78-66, and going through square ⁵⁸⁻⁹⁴ 95-58 where it runs off the sheet).

President: Can you show the Court where Wongneichong Gap is?

Witness: I think it is somewhere here (Indicating square 96-68).

⁵⁸⁻⁹⁵ President: I think this will be a convenient point at which to have five minutes recess. The Court is adjourned for five minutes.

ADJOURNMENT

At 1130 hours, the Court adjourned.

RESUMPTION

At 1140 hours the Court reassembled. Present: The same members as at adjournment.

The Prosecutor continues his examination.

Q. You told us you fell back to the headquarters of No. 3 Company at Stanley Gap. Will you tell the Court where Stanley Gap is in relation to any other feature you have already described, such as the road?

A. Stanley Gap lies between Jardine's Lookout and Stubbs Road.

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EXAMINATION OF P.W. NO. 10 - CHEUNG SHUI-LING (Cont'd).

Q. How do you get to it from Stubbs Road?

A. There is a five-pronged junction at the Gap, one leading to Black's Link, one leading to Stanley Gap and I don't remember the rest.

Q. Where is this five-point road?

A. Before Stubbs Road goes down to Island Road.

Q. From that five-point road what direction do you take to go to Stanley Gap?

A. Going to Repulse Bay I would go to my left.

Q. How do you go there, by road or by track or across unbroken ground from the five-point cross-road?

A. Down-hill.

Q. Yes, but do you go by a path or across country or what?

A. There was a road which can be crossed by motor vehicles.

Q. From that five-point cross-roads along the road which you have just mentioned, how far must you go before you get to headquarters, roughly?

A. A few hundred yards.

Q. Headquarters itself. What relation is it to the road? Is it some distance from it or some distance from the road? Can you tell us roughly where it is?

A. What I meant by headquarters was our company store-room.

Q. Was it some distance from the road or what?

A. In going from Stubbs Road, it is on the right.

Q. In going from Stubbs Road along that road that can be crossed by motor vehicles towards Stanley Gap, you eventually arrive at a spot where you are in the vicinity of the company headquarters you described. Is it right on the road or some distance from the road?

A. On the side.

Q. Immediately on the side or what?

A. As a matter of fact, I was only there that evening.

Q. Will you tell the Court what happened there?

A. On the morning of the 19th, we were attacked by the Japanese forces. Somewhere around 12 o'clock, we found we were all surrounded. I tried to get to Stubbs Road but was prevented so I went into this company store-room and I found some of my friends there. There we stayed up to about 3.30 p.m. In the meantime, the Japanese were attacking us with grenades, mortars and everything when we were in the store-room. About 3.30 p.m. an NCO asked us whether we would surrender.

President: Who was he and what was he?

Witness: I mean a Japanese NCO.

A. (Cont'd). When we laid down our arms, we went out of the store-room and were first told to stand. Then we were told to kneel and then some Japanese soldiers came and tortured us.

Q. Will you explain what you mean by tortured?

A. They started beating us and hitting us with rifle butts, tin helmets, pick-axes, bayonets and whatever stuff they could lay their hands on.

Q. Can you say who was hit?

A. Yes. I saw Pte Gosling being hit first and as he fell down,

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EXAMINATION OF P.W. NO. 10 - CHEUNG SHUI-LING (Cont'd).

he was bayoneted and Pte MacKechnie also suffered the same fate. L/Cpl Lin was first hit with rifle butts and then later on, he was trampled on to death, I believe. Pte Shaw's head was also hit with a pick-axe.

Q. How serious was this blow on Pte Shaw?

A. It was pretty serious because when he was in camp, he had his bandage on for nearly nine months.

Q. You have described what happened to Lin, MacKechnie, Gosling and Shaw. What happened to you yourself?

A. I was hit on the head with the butt of a rifle.

Q. Then after that, what happened?

A. After that I was pretty dazed and the next thing I knew, I was tied up and put into a mess hut.

Q. How were you tied?

A. My hands were tied behind my back.

Q. How long were they kept tied behind your back?

A. I loosened the knot myself; nobody untied it.

Q. When did you do that?

A. About half-an-hour after I went into the mess room.

Q. You say your hands were tied behind you. Where did you go then?

A. I went into a mess room up the hill.

Q. What was the condition of the ^{mess} room?

A. The mess room was crowded with other prisoners.

Q. And what happened there?

A. We stayed there for the night and in the morning we were shelled and the shelling took some casualties. After the shelling we were told to go outside and from there we were taken down to North Point.

Q. Did all of you go to North Point?

A. Yes, except those who were wounded who were left behind by the Japanese. We have never heard of them again.

Q. Are you able to name any of those left behind?

A. Yes, there was one Pte Leung.

Q. Do you know his initials?

A. I don't remember his initials, but he was a student of St Paul's College.

Q. What has become of him?

A. His head was badly battered by the Japanese after the surrender. On the next morning when we were told to move, he could not walk. He was out of his mind; he could not speak.

Q. What became of him?

A. He was left there to die.

Q. Sometimes people are left to die and they don't die. Can you tell us what happened to Leung?

A. He has not been heard of ever since.

Q. What nationality was Leung?

A. He was Chinese.

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CROSS-EXAMINATION OF P.W. NO. 10 - CHEUNG SHUI-LING.

Q. What time on the morning of the 19th did you first receive an attack from the enemy?

A. I would say about 8 a.m.

Q. You said a Japanese NCO came. Did he come by himself or did he bring some soldiers with him?

A. He had many soldiers behind.

Q. You said that you were assaulted by the Japanese. Where did you receive this?

A. Just on the road facing the company store-room on Stanley Gap.

Q. At that time, how many were in your party on the side of the road?

A. I would say about 30.

Q. You said that Lim, Gosling, MacKechnie and yourself were assaulted at that time. Out of the 30 persons who were there at the time, were these the only persons that were assaulted?

A. I believe we were all assaulted.

Q. Did you actually see all of them being assaulted?

A. I ~~was~~ would not say that because it was impossible for me to see all.

Q. What do you mean by "Impossible."

A. I can only see those who are around me. I cannot see many yards away.

Q. You said there were about 30 persons there at that time. Were these persons in one group or scattered about?

A. Scattered about.

Q. In your evidence, did you not say that the Japanese NCO came and ordered you to assemble on the road?

A. We were told to do this.

Q. Did you actually assemble on the road?

A. Yes, I did.

Q. How many persons assembled with you on the road?

A. As soon as they came out, they joined our group.

Q. Then you mean to say that all of the 30 men were in one group?

A. The thing is this. We were gradually coming out of the store-room.

Q. Do you know what sort of implements were used when you people were assaulted?

A. For instance, some of them were hit with tin helmets. We had discarded our tin helmets and they took them up off the ground and hit us with them. Some used rifle butts, and some pick-axes and other crude weapons.

Q. About the rifles, can you remember what sort of rifles were they? Were they automatic rifles or ordinary rifles.

A. Ordinary rifles.

Q. About this pick-axe, what was the size of the pick what was the shape?

A. Just the sort of axe for chopping wood. It was lying outside the door of the company store-room.

Q. Do you mean it was near the door of the store-room?

A. Yes.

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CROSS-EXAMINATION OF P.W. NO. 10 - CHEUNG SHUI-LING (Cont'd).

Q. Then you mean to say that axe was not an axe belonging to the Japanese?

A. I cannot say it belonged to the Japanese Army.

Q. Do you know how many persons took part in the assault on you people?

A. At first it was only a small number. As the Japanese were marching up and down the hill, later on some more joined in.

Q. I mean to say at the time when the soldiers were assaulting you people, how many soldiers were there?

A. I cannot answer this question because there were always fresh ones coming up.

Q. The soldiers that came later from time to time, from what direction did these soldiers come?

A. They came from both directions of the road.

Q. If you have in your mind the junction of the five roads, if you take the road that runs east, you go out to the reservoir, is that correct?

A. Yes.

Q. The store where you were, was that in an easterly direction or what direction was it?

A. Unless you bring me up, I cannot say. I was there only one day

Q. Can you remember what ^{sort of} dress the Japanese NCO wore?

A. Military uniform.

Q. Yes, I understand he wore uniform, but what sort of headgear did he wear?

A. They wore helmets covered with some mesh and there were some branches sticking in the mesh.

Q. What did he wear on his feet, can you remember?

A. I cannot remember, but I think rubber boots.

Q. Did the soldiers wear the same dress, can you remember?

A. I don't understand the question.

Q. I was asking you about the Japanese NCO.

A. I only saw him once when we opened the door. I did not see him again.

Q. When the soldiers assaulted you people, the NCO was not present, is that correct?

A. I did not know where he went but I did not see him again.

Q. How did you know this person was an NCO?

A. Because he carried a sword and had a revolver.

Q. You said that out of the 30 persons, three were bayoneted and killed. Were there any other persons bayoneted and killed?

A. I only saw these three with my own eyes. As to the rest, I am not in a position to tell.

Q. Do you know the reason why these three persons were bayoneted?

A. I don't know the reason. They must have had a thirst for blood. I don't know.

Re-examination declined.

The Witness was told to stand down, with the reservation that he might be recalled to go with the Court to visit Wongnei-chong Gap.

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Prosecutor: I have one more witness, Sir, and possibly two if Col Bailie arrives this afternoon. The other witness will appear to-morrow morning, and that will conclude the case, except for the reading of the affidavits.

President: I think we shall adjourn now.

ADJOURNMENT

At 1225 hours, the Court adjourned until 1400 hours.

RESUMPTION

At 1400 hours, the Court reassembled pursuant to adjournment, the same members as at adjournment being present.

Prosecutor: With the Court's permission, I will now start reading Exhibits X, Y and Z, the statements of Accused, and then go back to the others.

President: Before you read Exhibit Z, I should like to know if Mr Takano has read through the English translation and if he is satisfied with it.

Defence Counsel: I have asked the interpreter to check the translation. There are some points that do not tally with the original document.

President: Will you indicate to the Court what are the points which do not agree with Sgt Ito's translation?

Defence Counsel: By to-morrow morning I will be able to make ~~it~~ into documentary form the points that do not tally, but at ~~present~~ present I have not done so.

President: Major Puddicombe, will you read the affidavits X and Y first unless you want to read them together?

Prosecutor: The only point I want to read them together is that they will probably give a picture and the others will fall into place. However, if you appreciate this, I will start with the other affidavits. If there is ~~any~~ going to be any controversy about the translation, I move that Sgt Ito be recalled.

President: I think we cannot do that until we know exactly what are the points which do not agree.

Prosecutor: Can we have him here tomorrow morning in case he is needed?

President: Yes.

AFFIDAVIT OF SGT THOMAS GEORGE MARSH (Exhibit "H")

~~The~~ Exhibit "H", which is an extract from the affidavit of Sergeant Thomas George Marsh, Winnipeg Grenadiers, is read by the Prosecutor. The Court checked the extract with the original affidavit produced and found it to be correct. The original affidavit is returned to the Prosecutor.

AFFIDAVIT OF PTE. H.P. MIRON (Exhibit "J")

Exhibit "J", which is an extract from the affidavit of Pte. H.P. Miron, Winnipeg Grenadiers, is read by the Prosecutor. The Court checked the extract with the original affidavit and found it to be correct. The original affidavit is returned to the Prosecutor.

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AFFIDAVIT OF L/CPL. CHARLES BRADBURY (Exhibit "K")

The affidavit of L/Cpl. Charles Bradbury, Winnipeg Grenadiers (Exhibit "K") is read by the Prosecutor.

President: Do you wish the Court to keep the original?

Prosecutor: Is the copy read exactly the same as the original?

President: Yes.

Prosecutor: Then the Court can keep the original.

AFFIDAVIT OF PTE. JOHN DAVID POLLOCK (Exhibit "L")

The affidavit of Pte. John David Pollock, Winnipeg Grenadiers, (Exhibit "L") is read by the Prosecutor, and the original kept by the Court as exhibit.

AFFIDAVIT OF L/SGT WILLIAM ALBERT HALL (Exhibit "M")

Exhibit "M", which is an extract from the affidavit of L/Sgt William Albert Hall, Winnipeg Grenadiers, is read by the Prosecutor. The Court checked the extract with the original and found it to be correct. The original affidavit is returned to the Prosecutor.

AFFIDAVIT OF PTE. LESLIE GEORGE ADAMS (Exhibit "N")

Exhibit "N", which is an extract from the affidavit of Pte. Leslie George Adams, Winnipeg Grenadiers, is read by the Prosecutor. The Court checked the extract with the original affidavit handed in and found it to be correct. The original affidavit is returned to the Prosecutor.

AFFIDAVIT OF GRENADEER SIDNEY GORDON RENTON (Exhibit "O")

Exhibit "O", which is an extract from the affidavit of Grenadier Sidney Gordon Renton, Winnipeg Grenadiers, is read by the Prosecutor. The Court checked the extract with the original affidavit produced and found it to be correct. The original affidavit is returned to the Prosecutor.

AFFIDAVIT OF CPL. SYDNEY HISCOX (Exhibit "P")

Exhibit "P", which is an extract from the affidavit of Cpl. Sydney Hiscox, Winnipeg Grenadiers, is read by the Prosecutor. The Court checked the extract with the original affidavit produced and found it to be correct. The original affidavit is returned to the Prosecutor.

AFFIDAVIT OF PTE. MICHAEL HADDAD (Exhibit "Q")

Exhibit "Q", which is an extract from the affidavit of Pte. Michael Haddad, Winnipeg Grenadiers, is read by the Prosecutor. The Court checked the extract with the original affidavit produced and found it to be correct. The original affidavit is returned to the Prosecutor.

AFFIDAVIT OF PTE. GEORGE KIPING (Exhibit "R")

Exhibit "R", which is an extract from the affidavit of Pte. George Kipling, Winnipeg Grenadiers, is read by the Prosecutor. The Court checked the extract with the original affidavit produced and found it to be correct. The original affidavit is returned to the Prosecutor.

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AFFIDAVIT OF PTE. WALLACE ALLAN CHILDS (Exhibit "S")

Exhibit "S" which is an extract from the affidavit of Pte. Wallace Allan Childs, Winnipeg Grenadiers, is read by the Prosecutor. The Court checked the extract with the original affidavit produced and found it to be correct. The original affidavit is returned to the Prosecutor.

AFFIDAVIT OF CPL SAMUEL DANIEL KRAVINCHUK (Exh. "T").

The affidavit is read by the Prosecutor R.C.
 President: I don't think paragraph 21 is relevant, and paragraph 11 should be deleted. In paragraph 2, a part has been left out of the extract. You see, Maj Puddicombe, the Prosecution may wish the Court to consider the possibility of general policy of neglect of wounded POWs at that time and in this affidavit Cpl Kravinchuk describes when they got to Maryknoll School he was in fact given first aid by the Japanese. I don't think that should be left out of the extract.

Prosecutor: I don't want to dispute that. I did not prepare the extract myself. I personally have no objection to put in the whole paragraph.

President: Mr Takano, you understand that the Court having read the original affidavit of this Samuel Daniel Kravinchuk, introduced in paragraph 2, there is a description of how these wounded Canadians were given medical attention by the Japanese on December 22. If you would like to have that included in the record, if it is considered material to have it included...

Defence Counsel: I wish to apply to the Court to have that sentence included in the extract.

President: I will read the particular *paragraph R.C.* sentence. This is paragraph 2 of the original affidavit:-

"We were marched down to North Point Camp and of the 16 Canadians, 40-odd needed medical attention for wounds, but did not receive any medical attention until the 21st December when we arrived at Maryknoll School at Kowloon. I had been tied up during this time and did not receive any food or water until I reached Maryknoll School. The next morning, 22nd December, Pte Bradbury, Winnipeg Grenadiers, and myself went out to try and get food and medical help for the wounded. I saw a civilian man who had a swastika emblem on his coat lapel and I asked him in German if he spoke German. He told me he also spoke English and I explained we had wounded officers and men with us who needed medical attention. He called over a Japanese officer who sent for a medical officer. As a result of their discussion a Japanese medical sergeant and three orderlies came with us and gave our wounded first aid. Fighting was still going on at this time at Hongkong and there was no hospital available for our wounded. We were moved the same day to Argyle Prison Camp."

Prosecutor R.C.
 President: I suggest that the original be left with the record. *filed R.C.*

Original Affidavit of Cpl Samuel Daniel Kravinchuk, Winnipeg Grenadiers, filed with the record, not the extract.

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P.W. NO. 11 - LT-COL J.A. BAILIE:

After he had taken an oath, the Witness was examined by the Prosecutor as follows:-

EXAMINATION BY PROSECUTOR:

Q. Will you tell the Court your full name and rank?

A. Lt-Col J.A. Bailie, 1st Battalion, Winnipeg Grenadiers, Canadian Army.

Q. I understand that you were connected with the 1st Battalion Winnipeg Grenadiers during the fighting in Hongkong here in 1941?

A. Yes.

Q. Did you know Capt R.W. Philip (Exh. W)?

A. Yes.

Q. I hand you Exhibit W, and ask you if you can identify the hand-writing and signature of Capt Philip?

A. This is Capt R.W. Philip's signature, but I don't believe it is his handwriting.

Q. That is the body of the note is not in his hand-writing?

A. The writing on the first page and on the second page down to the second last line is not his hand-writing, but the signature, R.W. Philip, Captain, W.G's., is I believe Capt. Philip's signature.

Cross-examination declined.

QUESTIONS BY THE COURT:

Q. You say you are familiar with Capt Philip's signature. How do you come to be familiar with it?

A. Sir, I was a personal friend of Capt Philip, and for a number of years I received mail from him, and in addition, at one time prior to coming to China, he was our regimental adjutant and Capt Philip was attached to Command HQ at the time and had occasion to have considerable correspondence between regimental HQ and command HQ and I had very often seen his signature and I have no doubt it is his signature.

Q. So that you are familiar not only with Capt Philip's signature but also with his hand-writing?

A. Yes.

Q. Did you take part in the defence of Hongkong against the Japanese?

A. Yes, Sir, I was company commander of Company E2 of West Brigade during the attack on Hongkong.

Q. Are you familiar more or less with the composition of the troops defending the Island, or troops that were there?

A. Generally, Yes, in my own brigade, particularly I am familiar with the defences.

Q. Can you tell the Court whether there was either a British, Canadian or Indian armoured unit on the Island?

A. There was, to the best of my knowledge and belief, a unit with the Hongkong Volunteer Defence Corps, that comprised, I think, of two armoured cars, and in addition some of the other units had Carden-lloyds, that is, small machine-gun

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QUESTIONS BY THE COURT OF P.W. NO. 11 - LT-COL J.A. BAILIE
(cont.):

A(cont.): carriers

Q. Did any unit, to your knowledge, have Bren gun carriers?

A. I could not say for certain.

Q. From your military knowledge would it be possible from a distance, or possibly from the air, to think that these machine gun carriers were in fact something more formidable than they really were, that they might be real pukka tanks, as you might say?

A. It might be possible for a green observer to mistake a Carden-Lloyd for a medium tank, but I hardly think an observer would make a mistake like that.

AFFIDAVIT OF L/CPL GORDON EDWARD WILLIAMSON (Exh. "U").

The affidavit is read except for paragraph 4.

President: Is paragraph 4 relevant to this charge?

Prosecutor: That is one of the troubles that we have not got Accused's statement here as yet. On the other hand, I would not be prepared to say if this is relevant.

President: If the Court consider it irrelevant, they can always disregard it in their decision.

President: Do you object to this paragraph as irrelevant, Mr Takano?

Defence Counsel: I don't think that this paragraph is relevant to the charge, and in that sense I object to the paragraph.

Prosecutor: I ask that it be read under the reserve of the objection and when the full purport of the Accused's statement is known, then it might be decided whether or not it should remain in the record.

President: We suggest that you do not read it at the present moment until, as you say, we have heard Accused's statement to show its relevancy, then we will decide. If we decide it is relevant then you can read it at that time.

Exhibit "U", which is an extract from the affidavit made by L/Cpl Gordon Edward Williamson, of the Winnipeg Grenadiers, is read to the Court by the Prosecutor. The Court checked the extract with the original affidavit produced and found it to be correct. The original affidavit is returned to the Prosecutor.

AFFIDAVIT OF L/CPL PAUL EMIL MONDOR (Exhibit "V").

Exhibit "V", which is an extract from the affidavit made by L/Cpl Paul Emil Mondor of the Winnipeg Grenadiers is read by the Prosecutor. The Court checked the abstract with the original affidavit produced and found it to be correct. The original affidavit is returned to the Prosecutor.

STATEMENT BY CAPT. R.W. PHILIP (Exhibit "W").

Exhibit "W", which is a statement made by Capt. R.W. Philip, of the Winnipeg Grenadiers, is read by the Prosecutor. The Court checked it with the original statement produced and found it to be correct. The original statement is returned to the Prosecutor.

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President: Major Puddicombe, I take it that until we agree on the translation of Exhibit "Z", there is nothing further to be done to-day?

Prosecutor: No, Sir. Just one application about the proposed trip to Wongneichong Gap. I would like to have Fincher included in the party, because I want the Court to get the benefit of his opinion as to where the attack came from. I think it would be the most relevant part of the business, and it will help you to return whether it is ~~his~~ ~~the~~ Accused's troops who took that place and consequently took part in the alleged atrocities, or whether they were some other troops.

President: There is no objection to that. We will arrange for Fincher's attendance.

President: Mr Takano, the Court are going to arrange for the attendance of three Prosecution witnesses - Fincher, Zimmern and White. If you desire to cross-examine any other than Prosecution witnesses on the ground you should make application for it now, so that the Court can arrange to have that other witness called, should you desire to cross-examine.

Defence Counsel: At that time I wish to have it arranged so that Capt. Uchiyama should also go along.

President: Yes, that can be arranged.

Defence Counsel: Besides that I have nothing else to say.

President: The Court is adjourned until 10 o'clock to-morrow morning.

ADJOURNMENT.

The Court adjourned at 1545 hours until 1000 hours on Thursday, March 13, 1947.

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Trial of Maj-Gen. Shoji Toshishige

Fourth Day,

Thursday, March 13, 1947.

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PROCEEDINGS OF NO. 5 WAR CRIMES COURT

Held at Jardine Matheson's East Point Godown, HONGKONG, on
Thursday, March 13, 1947.

(TRIAL of MAJ.-GEN. SHOJI TOSHISHIGE of the Imperial Japanese
Army).

FOURTH DAY'S PROCEEDINGS:

At 1000 hours on Thursday, March 13, 1947, the Court
re-assembled pursuant to adjournment. Present: The same
members as on Wednesday, March 12, 1947.

P.W. NO. 11 - IAN PHILIP TAMWORTH

After having been sworn, Witness was examined by the
Prosecutor as follows:

EXAMINATION BY PROSECUTOR:

Q. Will you tell the Court your full name?
A. Ian Philip Tamworth.

Q. I understand you are 33 years of age, born in
Devon, England, of British nationality and that your
permanent address is c/o Forestry Department, Hongkong?
A. Yes.

Q. Were you connected with the Hongkong Volunteer Defence
Corps in 1941?
A. Yes, I was a Lieutenant.

Q. Will you tell the Court what part you took in the
operations in 1941?
A. I was first employed as an engineer officer on demolitions
on the mainland. After the evacuation of the mainland I came
to Hongkong island and I was doing various engineering jobs
on the north front. On December 19, the day of the Japanese
landing, I was in the Jockey Club stables, Happy Valley. On
the morning of December 19, I joined the Royal Scots Regiment
and carried out an attack on Wongneichung Gap at 4 p.m.
the same day. The attack was repulsed.

Q. Will you explain to the Court what you mean when you
say Wongneichung Gap and if you can do so by reference to
Exhibit "F"?

A. The place known as Wongneichung Gap is the place shown
on Picture No. 2.
(The Court notes the point to be 2" ^{from the left} top and about 1 1/2" to
the left edge of Photograph 2).

Witness continues: We were repulsed and we were driven
back to the junction of Wongneichung Gap Road and Tai Hang
Road, not shown in any of these photographs. It is a little
further down.

President: Do any other roads go in at that point?

A. Yes, Stubbs Road takes a very sharp bend there to
go up the Peak.

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EXAMINATION OF P.W. NO. 11 - I.P. TAMWORTH (Contd)

Prosecutor: Is this at Wongneichung Gap or where?

President: This is the road junction where Witness says they were driven back.

Witness: At 2000 hours the same day we again attacked Wongneichung Gap. This time our troops penetrated to Wongneichung Gap where there was very severe fighting. After that attack, I was cut off from the rest of my unit by a Japanese or several Japanese snipers who were there in the photograph. *Witness indicates a point*

President: Would that point be just above ~~where Sir Cecil Ride turns off?~~ *Rec*

A. No, just below.

President: Would it be fairer to say that the snipers were at the top of the cutting just above where Blue Pool Road joins Wongneichung Gap Road?

A. Yes.

Prosecutor: Are any other pictures there that you can identify?

A. Yes, you can see the same place in Photograph 1.

Ride. Q. You said a moment ago that it was just below Sir Cecil's ~~Road~~. Can you see it on Photograph 1?

A. Yes, I can. As a result of these snipers being in this position, I was unable to get back along the Wongneichung Gap Road and so I took shelter in some shelters shown clearly in Photograph 2. (Witness indicates some shelters shown in Photograph 2, slightly below the junction of Blue Pool Road and Wongneichung Gap Road and almost in the exact centre of the photograph). These shelters were manned by Canadians. Three of the officers I know by name. They were two brothers, Phillips, and one called Blackwood. I do not know the names of any of the soldiers because I had never met them before as they had recently come to the Colony before the outbreak of war. We remained in these shelters until the morning of the 22nd, during which time we were under constant fire and firing at Japanese troops who were moving up on the road shown on Photograph 2. (Witness indicates what appears to be a track going over the ridge at the bottom of Mount Nicholson about 2" from the top of the photograph and 3" on the left hand edge). We were also sniping and being sniped at by Japanese snipers at very close range just at the junction of Blue Pool Road and Wongneichung Gap Road. By the morning of the 22nd we had many wounded--at least 20--in these shelters and many of them had been wounded right from the morning of the 19th before I got there. Moreover, we had no more water and no more ammunition then. I was the only fit officer left at the time and I decided, in view of that, to effect the surrender of the position. We did this by shouting out and waving a pair of somebody's shirts or pants. We shouted, "We surrender" and various other things and tried to make ourselves heard. At that time we were also under heavy mortar fire. About half an hour later, the mortar fire stopped and everything was quiet. Soon after dawn, about 7 o'clock, an Indian with a rope round his body and his hands tied behind his back was ~~let~~ *Rec* into our position from Blue Pool Road at the end of a long rope.

President: What sort of Indian?

A. Captured Indian prisoner.

President: Did you notice his unit?

A. I did not.

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EXAMINATION OF P.W. NO. 11 - I.P. TAMWORTH (Contd)

Witness continues: This Indian made signs to us to come out. I followed him out and summoned the other people who had not been wounded to follow me. So I got out of the shelters on to Blue Pool Road just at this point in Photograph 2. (Witness indicates a spot at Blue Pool Road just where Blue Pool Road takes a sharp bend towards the bottom left corner of the picture). I was immediately seized by Japanese soldiers who were waiting and who tied my hands very tightly behind my back. Then I met a Japanese officer who could speak a little English. I told him that there were many wounded still left in the shelters who were unable to come out. I offered to go back with him but he refused to allow me to do that. After that I was tied to the rest of the people who had been able to come out from these shelters and made to sit down on this bend in Blue Pool Road. Wounded people also came out of these shelters but only those who were able to walk with the exception of one, who was my Commanding Officer, Lt-Col Walker. He had been badly wounded in the legs, and he told me on coming out that the Japanese officer who went in had seen the Victory Medal on his uniform and recognising it was a Japanese medal brought him out. None of the other badly wounded people was brought out and I estimate there should be at least 15.

Q. What happened to those wounded who were left there?

A. They never came out and as I was tied outside the shelter I could not see what happened. I have not seen any of them again.

Q. To your knowledge, have you heard of anyone else having heard anything of them?

A. No.

Q. What facilities were there for finding out later what wounded were in the various hospitals in Hongkong?

A. There was constant communication between the hospitals and the POW camps. People who had got better in hospitals came to the camps from the hospitals. At the same time, those people who were wounded, with the exception of Lt-Col Walker, were not in my regiment. They were all Canadians and I was not in the same camp with Canadians until about three years later.

President: The three officers whose names you mentioned, were any of them left?

A. No, they all came out shortly after me, being wounded but not very badly. They were what one might call walking wounded.

Q. What was the condition of those wounded when you left them there?

A. Some were very seriously wounded and some less seriously wounded.

Q. What do you say was the chance of survival with usual care of those who were left behind?

A. I should think about 50 per cent would have survived if they had hospital treatment. Some of them had been wounded for almost two days by that time or even more than two days. About five o'clock we were separated into people

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EXAMINATION OF P.W. NO. 11 - I.P. TAMWORTH (Contd)

A. (Contd) who were fit and people who were wounded. The fit were taken to help the wounded along. Then we set off along the road up Blue Pool Road, Wongneichung Gap Road, turning up Stanley Gap to go towards Tytam. As soon as we were out of sight ~~from~~ from this original place where we had been sitting, the soldiers who were in charge of us stopped us and started to beat us about and robbed us of everything we had. We were then marched along this road towards Tytam Reservoir for about a mile and a half. We then came to a place which is not on this photograph but which I can show you on the map, where the whole party was stopped and led off the road into a little valley. It is on a very steep hill coming down Tytam Reservoir. (Witness indicates a steep hill on the map, Exhibit A1, just slightly north of Tytam Reservoir, and the reference is 604 and 956). It was at this point that our original guards were changed and we were given new guards. We then proceeded on this road again down the hill towards Tytam Reservoir. After having gone only about 200 yards the party was stopped and two, ~~if not three~~, of the men--the walking wounded--were detached and bayoneted on the spot. The people who had been helping them then joined up with the unwounded party. One of the people who was wounded, I am sure, was the Canadian-Chinese chauffeur of the Canadian Brigadier. We then proceeded by Tytam Reservoir over Quarry Bay Gap down to the reception place at North Point.

President: Can you tell the Court ~~whether~~ whether there was anything which led to the bayonetting?

A. Absolutely nothing.

Q. Can you say whether the people who were bayoneted were particularly badly wounded or not?

A. They were wounded badly enough not to be able to walk at a quick marching speed, and we were marching at a fairly fast pace.

CROSS-EXAMINATION BY DEFENCE:

Q. You said that you were stationed at the Jockey Club. Was the Jockey Club used as a defence post?

A. No, my job was the putting down of barbed wire on the north front. We were not stationed to guard the place. It was our headquarters to take out the wiring and put it along the north front.

Q. You said you were first attacked at four o'clock in the afternoon. Was it on the 19th?

A. No, there was firing going on on the morning of the 19th but not in the immediate neighbourhood of the Jockey Club. I was not under fire at that time although there was firing going on.

Q. When you say you first received fire from the enemy at 4 o'clock on the 19th, do you mean by that that the fire was directed at the Jockey Club?

A. No, I was not there ~~at~~ four ~~at~~ o'clock on the 19th. I was attacking Wongneichung Gap.

Q. You said that you were pushed back, from where to where?

A. I was pushed back from the neighbourhood of Wongneichung.

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CROSS-EXAMINATION OF P.W. NO. 11 - I.P. TAMWORTH (Contd)

A. (Contd) We were attacking up this road and we were pushed back by mortar and gunfire, to the junction of Wongneichang Gap Road and Tai Hang Road.

Q. You said that you took shelter near Wongneichang Gap. How many persons took shelter with you?

A. When I went in there, there were, I estimate, about 50 Canadians.

Q. When you made signs to surrender, what time was that?

A. About 4 o'clock in the morning. Very early, before it was light.

Q. In what direction was the enemy when you made signs to surrender?

A. The nearest enemy to us was only about 50 yards away, just at the top of these shelters on the top of Blue Pool Road. There were enemy in those shelters.

Q. During December, around 4 a.m. it is rather dark?

A. Quite dark, yes.

Q. Then if you made signs, the signs could not be noticed, is that correct?

A. We did our best because ^{we} had a torch and we shone the torch on the pair of white pants that was stuck up.

Q. At that time in your shelter, how many persons were wounded?

A. Altogether I should think about half the personnel, about 25 of the 50 people were wounded.

Q. At this time, what was the date?

A. Morning of the 22nd.

Q. By the morning of the 22nd, did you give any aid to the wounded?

A. As much as we could.

Q. You said in your evidence an Indian soldier came. From what direction did this Indian soldier come?

A. There is an outlet from these shelters on to Blue Pool Road. He was let in here (indicates in photo).

Q. You said at that time, you met a Japanese officer. Did you say that this officer wore a medal or something?

A. No.

President: What the witness has said was that this Japanese officer, as he was told later, recognized a medal on Col Walker, who was wounded inside the shelter, and therefore he brought Col Walker out. He recognized this medal as a medal given by the Japanese in the 1914-18 war.

Defence Counsel: I understand, Sir.

Q. At that time, did you meet this Japanese officer?

A. Yes.

Q. How did you know this person was a Japanese officer?

A. Because he was in a different uniform to the uniform of the soldiers and I saw the man in charge of this unit go up and salute him and therefore I thought he was an officer.

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CROSS-EXAMINATION OF P.W. NO. 11 - I.P. TAMWORTH (Cont'd).

Q. Did this officer wear a dress particularly different from the other soldiers?

A. Only slightly different. Slightly better cloth.

Q. What did he wear on his head? What sort of footwear did he have?

A. He had a cap on his head. I cannot remember exactly what footwear he was wearing, whether it was field boots or not. It was such a long time ago.

Q. Did he have a sword, can you remember?

A. I think he did. I think so.

Q. When you left the shelter, were there 25 wounded persons at that time?

A. Just about 25 altogether. That included people who could not walk.

Q. In your evidence you said that you ^{were} brought along Stanley Gap Road. In your party, how many persons were there, can you remember?

A. Very difficult to remember, but I think ~~we~~ we were about 20.

Q. At that time, how many Japanese guards escorted you?

A. About six.

Q. At that time, did you not receive fire from the British positions at the bottom directed at Wongneichong Gap?

A. Not at that time. While we were sitting during the course of the day at the bend in Blue Pool Road, there was some fire directed on Wongneichong Gap but by 5 o'clock it was over. It had stopped about two hours before.

Q. What time did you leave this place?

A. About 5 p.m.

Q. At that time, did the Japanese officer accompany your party?

A. No.

Q. You said after going for a short distance, the old guards changed with some new guards. Can you remember how many persons were in the new guard?

A. No, but I think slightly more.

Q. Did they wear the same kind of dress, can you remember?

A. Yes, I think they did, but none of them had short rifles. Some rifles the Japanese had were long rifles and some were short rifles and these all had long rifles.

President: I would like to be quite clear on that point. The first lot of guards you had, were they all armed with short rifles or with long rifles, or were they mixed?

Witness: I think they were mixed. I noticed some had long rifles and some had short rifles.

President: And the second lot of guards, how were they armed?

Witness: I am sure they all had long rifles. I can't be absolutely certain but I am pretty sure. It was getting dark then, about 7 o'clock, but I think I noticed that.

Q. You said that three persons were bayoneted. Was this done when the first guards were on duty or when the second guards were escorting you?

A. I said two or three. It was shortly after the second lot of guards had taken over.

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CROSS-EXAMINATION OF P.W. NO. 11 - I.P. TAMWORTH (Cont'd).

Q. Can you remember the time?

A. My watch had been snatched off me before then, but I think it was about 7 o'clock.

Q. Did you actually witness the bayonetting incident with your own eyes?

A. It took place no more than five yards away from me. I heard the people groaning as they were bayoneted. I also saw the soldiers rush towards them with their bayonets.

Q. Then you mean to say you heard the cries of the bayoneted soldiers and saw the soldiers with the bayonets running towards the victims, but you did not actually see the bayonetting?

A. I did not see the bayonets enter the bodies, no.

Q. At that time, was a Japanese officer present?

A. No.

Q. Was there an NCO at that time?

A. Yes, there would be an NCO in charge of the party.

Q. How did you know this person was an NCO?

A. It depends what you call an NCO in the Japanese Army.

Q. Can you say what sort of dress ~~this~~ this person wore, that is, was there something different between him and the other soldiers?

A. I don't remember. I remember the man being in charge of the party giving the orders. It was dark by this time and I really could not see the details of the dress.

Q. Actually you did not know whether this person was an NCO or not?

A. I don't know whether he was what you call a jotohei or NCO.

President: What do you mean by jotohei?

Witness: First class private.

Q. When these persons were bayoneted, did somebody in your party try to stop the bayonetting?

A. No. We were all tied together and could not move.

Q. Did somebody try to stop the bayonetting by speaking?

A. I don't remember.

Q. Did you make a statement on the 11th of this month?

A. Yes.

Q. Was there a special reason why you made this statement?

A. Because I saw the paper that morning concerning this trial and I thought I might have evidence which might be of use to the Court.

Defence Counsel: No more questions, Sir.

RE-EXAMINATION BY PROSECUTOR.

Q. Just to clarify one point in respect of the bayonetting of these people as you have described, will you tell the Court why you say they were bayoneted? You saw them grunting and groaning.

A. Because they were detached from the party, taken to the side of the road, thrown down roughly and the soldiers who were around rushed towards them with their bayonets.

Q. And you heard them groaning?

A. Yes.

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RE-EXAMINATION OF P.W. NO. 11 - I.P. TAMWORTH (Cont'd).

A.(Cont'd). There was not the slightest doubt in my mind that they were bayoneted.

Q. A moment ago you said you were in some doubt as to whether the persons was a jotohei. Is he a senior class private or what?

A. There is itohei, jotohei.

Q. You said you were not sure if this man was a jotohei?

A. Whether he was an NCO.

Q. Could he be a senior private or not?

A. What I meant to say was, they had a rank in the Army, sergeant or junhi. I don't know exactly what rank he was. He might not have been any more than a senior private.

QUESTIONS BY THE COURT.

Q. Can you tell the Court when this second guard changed over from where did they come? Had they come with you from Blue Pool Road to start with or were they at the place when you marched up or did they come from some other direction?

A. They certainly did not come from Wongneichong Gap. They were there when we arrived.

Q. With regard to this second counter-attack that you took part in at 8 o'clock, on that occasion was that attack started either by armoured cars or machine-gun carriers to your recollection?

A. There were certainly armoured cars in the vicinity at the time. I think they had come from the other side. They had come up Wongneichong to force Wongneichong Gap from Repulse Bay Road.

Q. From your knowledge of what took place during that counter-attack and what you were able to discover later, could you say that at one point, the counter-attack had some kind of a local success?

A. Most certainly did.

Q. While you were sitting at Blue Pool Road after you surrendered, did you see or hear any Japanese going into the shelter where you were?

A. Yes, many Japanese went in.

Q. At that time, did you hear anything?

A. No, I did not.

Q. I would like to clear up one more point. You were a POW of the Japanese. When did you return to Hongkong after the liberation?

A. September 13 last year.

Q. Until you gave that statement referred to by Defence Counsel, you had made no other statement to the Investigator?

A. No.

President: Arising out of the questions the Court has put to the witness, Mr. Takano, have you any other questions?

Defence Counsel: No, Sir.

President: Major Puddicombe?

Defence Counsel: No, but I would like the witness to be here this afternoon, Sir.

President: You may stand down now, Mr. Tamworth, but will you return here at 2 o'clock?

Witness: Yes.

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President: I think this will be a convenient time to have a recess. The Court is adjourned for five minutes.

ADJOURNMENT

At 1135 hours the Court adjourned.

RESUMPTION

At 1145 hours the Court reassembled. Present: The same members as at adjournment.

Prosecutor: If I may, I would like to make an application for correction in the record. The mistake is due to my poor knowledge of map reading. On page 59 of the record, it says "Indication on map: Starting at square 78-56," that should read "starting at square 56-97," ".....and going through square 95-58" should read "through square 58-94." Then three lines further down "I think it is somewhere here (indicating square 96-58)" should read "square 58-95."

President: These alterations of the Prosecutor will be made on the record.

Prosecutor: With the exception of reading Exhibits X, Y and Z, and the journey to Wongneichong Gap this afternoon, that completes the case.

President: Mr. Takano, with reference to Exhibit Z, have you a note in writing where you differ from the translation?

Defence Counsel: Yes. I have asked the interpreter to make a list of the points that do not tally and I wish to have the Court take steps to consider these points.

President: Which interpreter is it?
Defence Counsel: Mr. Sasaki.

President: The Court will hear Mr. Sasaki as the Court's witness.

COURT WITNESS NO. 1 - SASAKI YOICHI

After the Witness had ^{been duly affirmed} taken a solemn declaration, he was examined, as follows:

President: Will you give your name, age, residence and qualifications?

Witness: Yoichi Sasaki, aged 30. I am interpreter attached to No. 5 War Crimes Court. I am staying here.

President: What are your qualifications?

Witness: I am a graduate of the Tokyo Imperial University.

Defence Counsel: Yesterday, at my request, did you closely check the report of Maj-Gen Shoji in Exhibit Z with the translation made by Sgt Ito of the Investigation Team?

Witness: Yes, I did.

Defence Counsel: Was the translation exactly correct with the original document or were there some mistakes?

Witness: I found that the translation was generally very good, but I found out some mistakes.

Defence Counsel: Did you make a copy of the points which were not correct with the original document?

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EXAMINATION OF COURT WITNESS NO. 1 - SASAKI YOICHI (Cont'd).

Witness: I made six copies of the document which I have handed to you.

Defence Counsel: The document in your hand, is that the document you made?

Witness: Yes.

President: ^{What is it?} Is the document you have in Japanese characters?

Witness: The document I now hold in my right hand is a statement made by Maj-Gen Shoji explaining the course of the fighting of the Shoji Butai while attacking Hongkong Island. It is in Japanese.

President: Will you explain your notation on the left hand side? You said P2 which I presume means Page 2. And what are the other two letters?

Witness: It means paragraph 2. "L" is the abbreviation of the word "line."

President: Major Puddicombe, do you wish to ask the witness any questions?

Prosecutor: Can I know what the corrections are?

President: We will recall Sgt Ito and put these questions to him.

Advisory Officer: I think I should add that there were some additions and alterations made to Mr Sasaki's document by me in consultation with Mr George Tong. That was after Mr Sasaki had handed the document to Mr Takano.

President: You made some alterations and some additions?

Advisory Officer: One case is where two words are crossed out and one paragraph of alterations crossed out and one paragraph added.

President: We will recall Sgt Ito first and let Mr Takano put these alterations to him and see what Sgt Ito has to say.

P.W.NO. 3 - SGT ROY ITO (Recalled).

The Witness was reminded that he was still ^{bound} by his original oath.

FURTHER CROSS-EXAMINED BY DEFENCE COUNSEL.

Q. Please look at the second paragraph. In the original it says "With the second landing group unit." Will you look at that?

President: Will you tell us which line in the English translation?

Defence Counsel: The third line of paragraph 2 of the translation. In the Japanese original it says "about two square metres."

President: Mr Takano, will you quote the line in English which you wish to dispute.

Defence Counsel: The third line in paragraph 2 within the brackets. In the original it says here "about two square metres," but this is not included in the translation. In the original it is written "The measurements were not clear because of the limited line of vision." In the Japanese original it says here, "About two square metres." This is not included in the translation.

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FURTHER CROSS-EXAMINATION OF P.W. NO. 3 - SGT ROY ITO (Recalled).

Prosecutor: I don't object formally, Sir, but would it not be better to put it to the witness "should it not be two square metres" rather than just say "about two square metres?"

President: Mr Takano, ask the witness, should it not read "two square metres" which have been omitted in the translation?

Defence Counsel: Then the translation, is it an exact translation of the original Japanese document?

Witness: Some of the characters have been omitted.

Defence Counsel: And what characters have been omitted. If it was translated into English, what would it be?

Prosecutor: If I may make a suggestion, Sir. There is a document before the Court which points out disagreement between the two interpretations. Would it not be possible to hand the document to Sgt Ito and let him compare the original with the suggested mistakes or inaccuracies or whatever they may be and let him say then whether he agrees with them or disagrees. Maybe that will shorten the proceedings.

President: That would be quicker. Mr Takano, if you will hand a copy of the alterations made by Mr Sasaki to Sgt Ito and let him compare it with the original while he stands down, he can tell the Court whether he agrees or otherwise.

Defence Counsel: I think so too.

President: Will you hand an amended copy of the document to him? Sgt Ito, will you stand down and compare the documents?

The Witness stood down.

The Prosecutor reads Exhibits X and Y.

Defence Counsel: Concerning Exhibit X, Y and Z, there is something I wish to say to the Court. On page 13 of Exhibit Z....

President: Exhibit Z is not before the Court or read. Until Sgt Ito returns, it is a waste of time to refer to it. If you wish to refer to Exhibits X and Y, you may do so.

Defence Counsel: I beg your pardon. On page 2 of Exhibit Y I have noticed a big mistake. About the middle of the page, from the place where it says "The only prisoners....."

President: It is not for you to say there is a mistake there. If Maj-Gen Shoji wishes to say there is a mistake, it is up to him to say so. It is not for you to say there is a mistake.

Defence Counsel: I will retract my question.

President: Major Puddicombe, it appears that Sgt Ito is going to take some time in comparing the translation with the alterations made by Mr Sasaki. I suggest that the Court adjourn now and reassemble this afternoon to inspect the ground. Sgt Ito will require until to-morrow morning to complete his comparison.

ADJOURNMENT

At 1230 hours, the Court adjourned until 1400 hours.

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RESUMPTION.

The Court re-assembled at 1400 hours pursuant to adjournment. Present: The same members as at adjournment. The Court, Prosecutor, Defence Counsel and his Advisory Officer, Stenographer, Interpreters, Monitor, the Accused, and witnesses (Capt Uchiyama, E.C. Fincher, J.R. Winyard, F.R. Zimmern, G.J. White and I.P. Tamworth) then proceeded to Wongneichong Gap, and then along Stanley Gap Road. REC

P.W. NO. 6 - E.C. FINCHER (Recalled):

President reminds Witness that he is still bound by his former oath. *Will you tell the Court where we are now and what your C.Q.M. store? REC*

Witness: This is ~~the~~ Stanley Gap Road and we are at the storehouse. *Witness shows a concrete building sunk in the side of a small hill on the North side of the road. REC*
(The Court estimates that the place indicated by Witness is approximately 593957 on the map reference).

President: That is the hut you were holding?

Witness: Yes.

President: Can you indicate to the Court the direction from which you were fired at?

Witness: All attack came from that area round the back from Wongneichong Gap Road. It was mainly automatic rifle fire, right round us and even round the back of us.

(Court estimates firing appeared to come from vicinity of the reservoir and also from Wongneichong Gap.).

No questions by Defence Counsel.

Prosecutor: You say firing came from down there in that direction?

Witness: We had a few mortar shells from Stanley Gap Road, but they were very few. They were fired into us.

Prosecutor: Where did the troops who took you come from?

Witness: They were coming up from Tytam.

Prosecutor: The troops that took you prisoner?

Witness: Yes.

President: While you were in that store, did you have any casualties before you surrendered?

Witness: No, Sir. There was only one, L/Cpl Zimmern, who was slightly wounded. Three of us went out on to the road to see what happened, and I don't know whether it was grenade or mortar that caught him in the chest, the explosion was away from him and he suffered two small punctures.

Defence Counsel: With the permission of the Court, I would like to ask one question. (Two witness): The Witness said that automatic rifle came from that direction. Did it come directly at the storehouse or did it come over the hill.

Witness: We were down the other side and it did not affect us. It was going overhead, but of course we were only going by sound.

President: You said that troops came from Tytam. The troops who you said came afterwards and the ones who maltreated

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P.W. NO. 6 - E.C. FINCHER (Recalled)(Cont.):

President(cont.): you, from what direction did they come?

Witness: They were the same batch, Sir. They overran this position from the back of us, then others were coming, and I think they might have been responsible for the mortar fire, but not responsible for the lot that was coming on here, they were moving through and they had some light guns with them.

President: They arrived while you were kneeling by the side of the road?

Witness: They were responsible for our kneeling by the side of the road.

Prosecutor: Which troops are you speaking of now?

Witness: I am speaking of the troops coming from Tytam.

President: The people you surrendered to were the people from Tytam?

Witness: Yes.

President: Can you show us the spot where you were assembled?

Witness indicates position about 23 yards from store on the side of the road.

Witness: They were coming up from that side of the road when the fellow with the net came across.

President: Can you indicate to the Court where you saw the bodies when you marched away next day?

Witness: I am afraid I can't remember.

President: Can you show us where the hut was where you were taken?

President: Mr Takano, before we go, do you wish to ask the Witness any questions.

Mr Takano: No questions.

President: Major Puddicombe?

Prosecutor: No questions.

~~President rec~~
~~Major Loranger~~: I want to know if they were lined up this way on the road?

Witness: We were lined up parallel with the side of the road.

~~President rec~~

~~Major Loranger~~: How many rows were there?

Witness: I don't remember.

Witness shows Court a concrete square flooring which now has no walls, no roof and is 36 feet long by 15 feet wide. The position of this flooring is directly above the storehouse.

President: Have you any idea how long these positions have been built?

Witness: We had nothing to do with the building. This is new to us. A Scottish company were formerly up here.

President: ~~You~~ When you were taken out and marched away which way did you go?

Witness: We went down that road past Tytam, where there were filter beds right at the end.

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P.W. NO. 6 - E.C. FINCHER (Recalled)(Cont.):

Defence Counsel: From what direction did the mortar fire come?

Witness: I think it must have come from that direction, because we had a direct hit in the kitchen. It came from the direction of Tytam and it was not a great deal.

Defence Counsel: Only one shell?

Witness: One that had a direct hit.

Defence Counsel: Where did the shell hit this hut here?

Witness: In the kitchen, this side of the hut here.

(Indicates storehouse).

President: It did not burst inside the hut?

Witness: No.

Witness: I thought he (Defence Counsel) meant mortar that was fired against us here. That was only one that hit the hut.

President: Whereabouts is that?

Witness: Practically in the middle.

Defence Counsel: Where did it come from?

Witness: From Tytam. That was the one that struck us in the storehouse. I don't know about that other one. It burst on the roof.

Defence Counsel: Did it come straight or slanting?

Witness: I cannot say now. It came through the roof.

No questions by Prosecutor.

P.W. NO. 8 - F.R. ZIMMERN (Recalled).

Witness is reminded that he is still on his former oath.

President: Can you tell the Court where was this No.3 Company HQ, the quartermaster store?

Witness: The quartermaster store is here.

Witness indicates the building on the north side of the road already shown by P.W. 6.

President: Can you show the Court where your position was - your defence position?

Witness: I was over at Jardine's Lookout. We only fell back and went to the store here.

President: You came back here?

Witness: Yes, I was with Lt Anderson who was No.2 in command here. I never saw Major Stewart.

President: You were in the store itself?

Witness: We were walking up and down our position up there until they attacked.

President: When the time came for you to surrender where were you?

Witness: In the store itself.

President: Can you show the Court where you were taken when you surrendered?

Witness: We were lined up just in front here across the road in rows.

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P.W. NO. 8 - F.R. ZIMMERN (Recalled)(Cont.):

President: How many lines, do you remember?

Witness: I don't remember, but I was right in front in the first row.

President: The Japanese who you say ill-treated you, from where did they come?

Witness: When we saw them they were already here, all around this area here, standing just in front of us.

President: When you were fired on, can you say which direction?

Witness: Generally from that direction because we could see bullets all over and we were getting mortar.

President: From Tytam?

Witness: Yes, firing was also coming from Jardine's Lookout.

President: Is there a point here where we can see Jardine's Lookout?

Witness: Yes.

The Court estimates that the place where witness was lined up is about 12-15 yards from the QM store.

President: Were there any Japanese on that road?

Witness: We could not see them.

President: Were small arms fire dropping here or were they going overhead?

Witness: Going over. I got one right through my arm which was from mortar.

President: Where were you when you were hit?

Witness: Just by the door.

President: Can you show the Court where Jardine's Lookout is? RCL

Witness: That would be Jardine's Lookout, the far away hill. They were firing from that direction.

President: We are looking ^{RCL} from nearly due north.

Witness indicates Jardine's Lookout which the Court can see is a high ridge due north of Stanley Gap Road and between 1,000 and 1,200 yards away).

President: After you were lined up where were you taken?

Witness: Taken up to the hut, which used to be a matshed with benches there for meals. I never ate there.

Witness indicates site where the hut used to be on. *The same site as already indicated by P.W. 6. RCL*

President: When you were taken away, which direction did you go?

Witness: We were marched down Stanley Gap Road, through the reservoir and down to North Point.

President: When you decided to surrender and when you came out here what did you do exactly?

Witness: First of all I was in the store and we heard voices - and they were Japanese voices. After a time the Japanese went inside.

President: You were still inside the store?

Witness: Yes.

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P.W. NO. 8 - F.R. ZIMMERN (Recalled)(Cont.):

Witness (cont.): They were armed with rifles. They had tin helmets and they were fully camouflaged, so they must have been combatant troops.

President: What happened then?

Witness: We were then told to come out and line up.

President: How long after you lined up was it that the incident of ill-treatment occur?

Witness: A matter of about 10-15 minutes, even shorter.

President: Did you see any troops coming from anywhere else?

Witness: No, because we were facing only one direction. We did not turn about.

President: The only troops were the troops who came from the Tytam direction?

Witness: Yes.

President: Were they the same who took you back?

Witness: Yes.

President: Why are you so sure?

Witness: Because they were similarly attired, they wore the same uniform, same dress, same rifle and same tin helmet, and same camouflage.

President: Besides rifles, did you notice any other weapons or equipment?

Witness: They had hand grenades at the back here.

Defence Counsel: When you were lined up cross-ways here, what date and what time was it?

Witness: It is difficult to estimate the time. It was about between 3 and 3.30 in the afternoon.

Defence Counsel: The date?

Witness: 19th.

Defence Counsel: What sort of rifles did these soldiers have?

Witness: Small .202 repeaters, they were smaller calibre than our own rifles.

Prosecutor: Mr Zimmern, did you not say you saw troops coming from Jardine's Lookout?

Witness: When we were attacked they were coming from that direction, because our troops were firing at them and they were firing at us, and obviously they were coming from that direction.

Prosecutor: Were they the troops that came down from that direction who took you prisoner?

Witness: We could not say, because we were inside the hut when they were down here. Even if they came down they might even be coming down this way.

Prosecutor: What is the foundation for your belief

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P.W. NO. 8 - F.R. ZIMMERN (Recalled)(Cont.):

Prosecutor(cont.): that the troops that took you prisoner came from Tytam?

Witness: I ~~did~~ did not say they were troops that came from Tytam. When we were lined up they were all scattered around here.

Prosecutor: While you were lined up with these troops, did any other troops arrive at all?

Witness: After the incident here we were then tied up and brought there with Canadian and other troops who were brought in.....

Prosecutor: I mean Japanese troops other than the ones who took you prisoner?

Witness: No.

President: Can you show us now where your pill box was?
Witness: It is way up there.

President: Could we see it ^{from R.C.} on a high level?

Witness: It is along Sir Cecil's Ride, about two miles from here. Our position was in a dell, it is a cross-roads.

President: What time was it that you last saw the Japanese soldiers come from Jardine's Lookout?

Witness: I would say between....I really could not say.

President: Was it in the early morning, noon, or when?
Witness: It would be nearer noon, I think.

Witness indicates position - the intersection of path, No.593973 on map.

Defence Counsel: Was there any battle near your first position?

Witness: Yes.

Defence Counsel: How long did this fighting last?
Witness: About 10-15 minutes.

P.W. NO. 9 - G.J. WHITE (Recalled).

Witness is reminded he is still bound by his former oath.

President: Do you know what this place is?

Witness: This is known as the mess hut.
Witness indicates location of mess hut shown by P.W. 6 and P.W. 8. R.C.

President: Have you been here before?

Witness: Yes, when I was taken prisoner I was brought here.

President: About what time was it?

Witness: It would be roughly about sixish.

President: Can you tell where is the building known as the quartermaster store?

Witness: It is further down the road under this.

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P.W. NO. 9 - G.J. WHITE (Recalled)(Cont.):

President: Will you take the Court and show us where that is?

Witness: Yes.

Witness indicates a building half sunken on the ground on the left-hand side of Stanley Gap Road just below the flooring of hut previously shown to the Court.

President: When you decided to surrender to the Japanese where were you?

Witness: I was in pill Box No.1 and 2.

President: How far would that be from here, half a mile?

Witness: Yes.

President: Is it a track? *Can you go down by a track? etc*

Witness: It is a catchment.

President: After you surrendered you told the Court you spoke to an officer?

Witness: Yes.

President: Where did you go after that?

Witness: We were brought to the hut.

President: From above there, is ~~that~~ ^{there} a point where we can see the pill box in the distance?

Witness: I think we could see it from the top there, I think it might be possible.

President: When you were taken out the next day as a prisoner to be marched away, where did you go?

Witness: We were marched down here all along this road before we were marched off.

President: You were marched along Stanley Gap Road towards Tytam?

Witness: Yes.

President: Who brought you down here after you surrendered?

Witness: The Japanese officer and some of his troops.

President: To your knowledge who were the people who were at sentry during the night, the same people who brought you down?

Witness: That I cannot say, but they were Japanese troops.

President: And the people who took you away the next day, were they the same people who guarded you?

Witness: Yes, because I recognised one of the guards.

Defence Counsel: Can you tell from what direction that officer came?

Witness: I met him on top of the hill, what direction he came from, I don't know.

Defence Counsel: When you were taken out and marched down this road, did you see any other party of POWs?

Witness: I happened to be the first to come out.

Defence Counsel: Besides your party was there another

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P.W. NO. 9 - G.J. WHITE (Recalled)(Cont.):

Defence Counsel (cont.): party?

Witness: Being led in or what?

Defence Counsel: In this vicinity, coming in or going out?

Witness: I think I ~~was~~ saw the last batch. I cannot say any more coming in. When I came out I was the first to come out, because I was next to the door.

Defence Counsel: I wish to ask you: Did you see another party of POWs besides your own party?

Witness: Yes, there were quite a few in the hut before me.

President Rec

Major Loranger: What Defence Counsel means is: When you were taken away from here, did you see any other group coming from the surrounding vicinity and marched to North Point?

Witness: That I don't know. I was quite a way down the road, and our people from this hut were filling up the road here.

Prosecutor: Did you see what happened to MacKechnie and Lim?

Witness: No.

Prosecutor: You were not here?

Witness: No.

President: Can we see the hill where you say you spoke to the Japanese officer?

Witness: Not from here.

P.W. NO. 7 - J.R. WINYARD (Recalled).

Witness is reminded he is still bound by his former oath.

President: Can you tell the Court, or show the Court, where is the building you referred to as No.3 Company stores?

Witness: This one here.

Witness indicates half sunken building on the side of hill on ~~left-hand~~ side of Stanley Gap Road.

the North Rec

President: When your party decided to surrender, where were you?

Witness: I was inside the building with QMS Fincher.

President: Will you tell the Court what happened after you decided to surrender?

Witness: We were told to come out and we were lined up along here.

President: Will you show us where you were lined up?

Witness indicates position directly in front of lower end of building known as quartermaster store.

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P.W. NO. 7 - J.R. WINYARD (Recalled)(Cont.):

President: You were lined up across or along the road, and you were facing which way?

Witness: We were facing down towards ^{Tydam Rec} Tydam and we were lined up across the road.

President: About what time would that be?

Witness: I should think about 4 o'clock.

President: And what happened then?

Witness: We were told to kneel after that we were told to stand, during which time various Japanese were waving their sword scabbards at various individuals. MacKechnie, Young and Gosling were just behind me.

President: The Japanese who you describe as shouting and waving, were they the Japanese who later on assaulted some of you, or were they a different lot?

Witness: They were the same troops who were around, I cannot say they were the same ones who killed the three or not.

President: How long had you been standing in the road. Was it before the assault on Gosling and others took place?

Witness: I should not say more than about an hour.

President: In how many lines were you drawn up across the road?

Witness: I could not say. I was more or less in the third or fourth row, and there were other rows behind me. I don't ~~remember~~ think I had the opportunity to observe how big the party was.

President: Suppose you stand where you were, can you show the Court by placing other people where Young and Gosling and others were roughly?

Witness: I was here, Sir, and they were just where Major Puddicombe is there. MacKechnie was standing there and the other two were standing to the left of Major Puddicombe. Myself and Young were to the left.

^{The Court was out Rec}
(MacKechnie is where Major Puddicombe is, that is six feet to the left rear of Witness. Gosling about 10 feet to his rear. ^{Witness Rec})

President: When you were marched away the next day, what direction were you taken?

Witness: This direction along this road (Stanley Gap Road) towards Tydam and way down to North Point.

President: As far as you know can you say the people who guarded you were they the same people who marched you out the next day?

Witness: It is hard to say. I cannot say for certain. We were inside the mess hall and we did not actually know what was happening outside.

President: Did you actually see the troops who took you prisoner and where they came from?

Witness: They just came through the block house here, that is the first we saw them here.

President: And the rest?

Witness: From this road (Stanley Gap Road). They were coming towards us.

President: How many about?

Witness: Not more than 30.

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P.W. NO. 7 - J.R. WINYARD (Recalled)(Cont.):

President: Did you see any other Japanese troops coming from any other direction?

Witness: Not when they were up here, but during the battle down in that direction there were some coming up from that direction.

President: Japanese troops coming from the direction of Jardine's Lookout?

Witness: Yes, and some from Wongneichong Gap.

President: After this incident when these men were assaulted where did they take you to?

Witness: Up to the top here, the mess hut, situated above the store.

President: Just above the store?

Witness: I believe so.

President: We will go up.

Witness indicates the same stretch of concrete flooring shown by the other two witnesses.

No questions by Defence Counsel.

Prosecutor: You say you saw about 30 Japanese troops coming up the road. Where were they when you first caught sight of them?

Witness: You mean during the assault?

Prosecutor: No, when you were taken prisoner?

Witness: The first sight I saw of them was when a few of them were peering into the store.

Prosecutor: When you got outside you saw some approaching?

Witness: They were all around.

President: Just want to make this clear. Were the troops marching or wandering around?

Witness: They were around.

President: Which was the last occasion you saw Japanese troops from Jardine's Lookout or Wongneichong Gap?

Witness: The last time I saw them was over in Jardine's Lookout ~~when~~ when they were bringing up prisoners from Jardine's Lookout.

President: What time would that be?

Witness: Somewhere late in the afternoon, about 3-4.

President: And the people from Wongneichong?

Witness: Somewhere about twelveish.

President: Where was your position?

Witness: Facing over the reservoir and looking at Wongneichong Gap.

The witness stands on car to his actual position 24

President: Were you here that you saw troops at 12 o'clock?

Witness: Yes.

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P.W. NO. 7 - J.R. WINYARD (Recalled)(Cont.):

President: Where?

Witness: That house down there just in the bend of this road, the first building (estimated 250 yards away).

^ (Standing 6 of Road)

Defence Counsel: How many Japanese troops were there did you notice?

Witness: I cannot say. They were certainly two sections of light machine guns down there firing at us.

Defence Counsel: How did you know that the machine guns were light?

Witness: The wall. You can see the machine gun burst there.

Defence Counsel: If the machine guns were shot from there, ~~the~~ bullets struck this place then?*would the*

Witness: Why not?

Defence Counsel: It seems to me that the bullets directed were in a straight line, not slanting?

Witness: It is definitely from there, and not over there, if it was, there would be no cover at all for me and I would have been killed straight off, I was lying here.

President: Do you know the name of that hill there?

Witness: Mt Cameron.

P.W. NO. 9 - G.J. WHITE (Recalled).

Witness is reminded that he is still bound by his former oath.

Witness stands on hill to some high ground facing north. RCL

Witness: That is pill box No.1. No.2 is just below it.

President: Can we see the hill where you saw the Japanese officer?

Witness: Yes, it should be behind there.

Witness points out pill box No.1, which is on a spur of a hill running west. The Court looking at pill box in a northerly direction. Pill Box No.2, witness says, is over the spur and slightly to the west of pill box No.1.

President: Can you describe from what direction the attack on pill box No.1 was coming?

Witness: Most of the attack came from the north. From about this direction we were fired on at the police station.

President: Can we see the police station from here?

Witness: Yes.

Witness indicates
Position of police station: Corner of Stanley Gap Road RCL and Wongneichong Gap Road. RCLPresident: That was the direction you were fired on *from which RCL*

Witness: Yes, we were fired on in a south-westerly direction.

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P.W. NO. 9 - G.J. WHITE (Recalled)(Cont.):

Witness (cont.): I was in a lower position, if I climbed to the poop I could see the place where pill box No.1 is, and we were directing fire from my pill box. It is a bit complicated and after the war I went up there and satisfied myself.

President: Can you say where you saw the Japanese officer?

Witness: This bump, slightly over the crest of this first spur.

President: He was in command of troops when he made you prisoner?

Witness: He was the Japanese officer I spoke to.

President: Was he the man who came with you to the hut?

Witness: Yes.

President: What is the name of this hill on the west side of Wongneichong Gap Road, do you know?

Witness: Mt Nicholson camp is over there, the middle gap, I think it is Mt Nicholson, I am not quite sure, I won't swear to it.

Defence Counsel: Do you know what direction the officer came from?

Witness: No, because he was there waiting when we came.

Prosecutor: Is that pill box showing that chimney there?

Witness: That is pill box No.1.

Prosecutor: You cannot see the lower one from here?

Witness: No.

President: Could we see the lower pill box from Wongneichong Gap Road?

Witness: Yes.

P.W. NO. 5 - CAPT UCHIYAMA YUKIO (Recalled):

Witness is reminded that he is still bound by his former oath.
affirmation. etc.

Defence Counsel: In the Court you testified that Prince Takeda visited this place at the end of December, 1941 and the battle field was explained to him. Where was the battle field explained to him, which spot?

Witness: That is the place here. (Position indicated).
Witness indicates a large round concrete circle which might have been an AA gun pit etc.

Defence Counsel: When the battle was explained to him, were you present?

Witness: Yes, I was present. I stood about two metres back.

Defence Counsel: In the explanation, did you hear what direction the three units came from?

Witness: Shoji unit came from the other side of that range there of that valley there (east of Wongneichong Gap).

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P.W. NO. 5 - CAPT UCHIYAMA YUKIO (Recalled)(Cont.):

Witness(cont.): The Doi unit - I don't know the strength of this unit - but part of it came from this direction and part from the road.

President: This is a bit vague. Which road are you referring to.

Witness: Cement road that comes up.

Witness indicates direction of Tytam up Stanley Gap Road).

Witness(cont.): It was explained that part of the Doi unit arrived at this place here, but it was not explained where they came from.

President: They came down this track here you mean?

Witness: They were in that sort of a gap. The Tanaka unit, as I remember it, when it was explained, came after the Doi unit along the same road. From where they came, I don't know, but they came up the same road.

Prosecutor: Who was it who told you this?

Witness: The area army chief of staff, the officers of the Doi unit, the Shoji unit and from many officers.

Prosecutor: Was Col Doi there?

Witness: He was there.

Prosecutor: Did they point out to you the place the three units - the Shoji, Doi and the Tanaka - met?

Witness: When I said they converged, that is the Shoji unit came from that direction, the Doi and the Tanaka units from that direction and they came here, that is what I mean.

President: Were you shown where they met actually?

Witness: What I said I did not mean they converged at some point. They came out in the same vicinity, in the vicinity down below.

Prosecutor: Can you point out where it was they came together?

Witness: After I go over there I can show you. That time when the battle was explained a question arose concerning the junction with the five roads there. The question was, which unit captured the junction first. The Doi unit said they captured the junction and the Shoji said that captured it first. At that time the brigade commander Maj-Gen. Ito questioned various officers concerned and finally decided the Shoji captured the junction first and at the same time the Doi unit came down here and met at this junction, and after the Doi and the Shoji units met there, because of artillery fire the Shoji unit took cover in the valley.

Prosecutor: What are you indicating as the junction of five roads?

Witness: Just over there.

(Position indicated: Junction of Wongneichong Gap and Stanley Gap Road).

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P.W. NO. 5 - CAPT. UCHIYAMA YUKIO (Recalled)(Cont.):

Prosecutor: When you were standing here, how did they say the Shoji unit came up the valley here?

Witness: It was explained that the Shoji unit came from the other side of that range there, came through the other side of the range to this point.

Prosecutor: Did they come up on the far side, where the cars are coming up the road there, is that what you mean?

Witness: The other side of the range of the mountain, I mean the centre of the mountain, the ridge there.

Prosecutor: Are you sure this is the spot you spoke that you held this conference?

Witness: The main part of the conference was held here ~~and~~ but sometimes we went over there and sometimes over there when the battle was explained.

Prosecutor: You have gone up that road, for instance, the road leading up there?

Witness: I do not remember going up that road there. At that time the officers of the Central Headquarters in Tokyo were here and some of the officers were walking around here, maybe they went up there, but the Prince did not go up.

Prosecutor: Col Doi's officers, did they go up there?

Witness: The commander of the Doi unit stayed here. I don't know whether his officers went up there or not.

Prosecutor: Did you go up there?

Witness: At that time I did not.

Prosecutor: Standing where we are now, would it appear to you that it would be easier to see from whence the Doi Butai had come if we had gone round the corner of the road ahead of me now?

Witness: I have not been there, therefore I do not know.

Prosecutor: When you look now from here, do you agree that your view was somewhat obstructed by that cement building there?

Witness: I think so.

Prosecutor: When you were having this battle explained to you, was the name Jardine's Lookout used?

Witness: The word was used.

Prosecutor: Was Mt Gough used?

Witness: I don't know how that name is pronounced in Japanese.

Prosecutor: ~~Mt~~ Butler?

Witness: I don't remember, Sir.

Prosecutor: ~~Mt~~ Mt Parker?

Witness: Mt Parker was used.

Prosecutor: Was it used in connection with Col Doi?

Witness: I don't remember whether it was used in connection with the Tanaka or the Doi unit. It was used concerning the unit that was on the left flank.

Prosecutor: Do you recall what feature was used concerning the unit which was in the centre?

Witness: At the time of the explanation the battle

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P.W. NO. 5 - CAPT. UCHIYAMA YUKIO (Recalled)(Cont.):

Witness(cont.): commander Hayakawa of the Doi unit, he argued that he was ~~the~~ the person who captured that point there, and he said that during the operation he was in the back here.

Prosecutor: Did he say he came up by Tytam reservoir or Tytam Tuk reservoir?

Witness: I don't remember about Tytam reservoir.

Prosecutor: Do you remember one of the Doi battalion's objectives was the reservoir?

Witness: I don't know, Sir.

Prosecutor: Was there any discussion on reservoirs in this discussion you were talking about of the battle here?

Witness: At the time of the explanation of the battle the main point was the explanation about this vicinity.

P.W. NO. 11 - I.P. TAMWORTH (Recalled).

Witness is reminded he is still bound by his former oath.

The car passed down Stanley Gap Road to where the concrete road comes to an end.

President: Is this the road down which you were marched to go to North Point?

Witness: Yes.

President: Where did you go?

Witness: We were marched down there, you see that little valley below this forestry department, the path along the hillside, the valley just below there, we marched off the road where the guard was changed and we received new guard.

President: It would be clearer if we walked down there.

Witness: When we got here, either into this valley or the other I cannot say, we were marched there and told to wait, and the soldiers who had taken us from Wongneichong Gap changed to other soldiers who had been waiting here.

The car went on down the track etc.

Place indicated is about 250 yards on down track from where Stanley Gap Road ceases to be practicable for vehicles, where the concrete road ends.

President: How did you go on from there?

Witness: Went on down this track towards Tytam reservoir and the bayoneting occurred soon after we left this locality. It is a bit further than I thought. It is well out of sight of this place.

President: How far would that be, about a quarter of a mile?

Witness: Yes, down this hill, before we got to the Tytam reservoir.

Defence Counsel: The incident of the bayoneting, did it happen during the time the second guard, is that right?

Witness: Yes. *of rec*

Prosecutor: Would you be able to tell us the range immediately above us?

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P.W. NO. 11 - I.P. TAMWORTH (Recalled)(Cont.):

Witness: That is Mt Parker.

Prosecutor: Where is Mt Butler?

Witness: It would be there.

Witness indicates on map, showing Mt Parker, Mt Butler, Wongneichong Gap and Jardine's Lookout.

President: Can you show us Leighton Hill?

Witness: You can see it from Wongneichong Gap.

President: Will you tell the Court the names of these hills as far as you know, those which we are looking at now?

The Court is facing Mt Parker, north-east. Ridge of Mt Butler, north-north-east. Ridge of Jardine's Lookout running north-east to south-west.

Prosecutor: Is there a gap between Parker and Butler?

Witness: Yes, it is called Quarry Bay Gap.

Prosecutor: Another gap east of Mt Parker?

Witness: Yes, road running up to Tytam or Shek-O.

Prosecutor: Between Butler and Jardine's Lookout, is there a gap there?

Witness: Yes.

President: Is there a name?

Witness: I don't remember, but this is called Quarry Bay Gap, there is a building that used to be a sanatorium for the Taijoo Dockyard.

The Court drives back along the road towards Wongneichong Gap and there asked by Defence Counsel to note an inscription in Japanese carved in block cutting on the south side of the hill.

Inscription is enclosed in a rectangle with the date 23.2.47 on the right hand side.

Inscription is: To Ki Tai Ryo Ko. First two characters mean a proper noun, a name. Third character means unit, last two mean excursion or trip.

The Court is asked by Defence Counsel to inspect a building on the north side of Stanley Gap Road in close vicinity of the reservoir.

The Court note that there are two inscriptions in Japanese characters on one of the walls:

Translation of inscription: 19th December the Numa (name of a unit) No.8914 unit (next character is illegible), Hayakawa battalion occupied and held.

Translation of second inscription: December 19, the Osawa Tai (unit) occupied Natsume platoon.

Translation of another inscription: Sen Yu (comrade) No mitama yu (spirit of) Yasukari (lie in peace).

Translation of another inscription: Numa 8924 Butai (other characters too faint to be legible).

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P.W. NO. 11 - I.P. TAMWORTH (Recalled)(Unnt).

Translation of another inscription: December 19, Showa (1941), Numa 8926 butai, Osawa Tai, foon to (fierce fighting).
Captain UCHIYAMA is recalled at request of Defence Counsel. RCL

Defence Counsel to Uchiyama: ^{RCL}What unit was the Hayakawa butai attached?

Capt Uchiyama: It was a battalion belonging to the Doi unit.
The Capt then pointed for about 150 yards down Wong Nei Chung Gap Road RCL

P.W. No.11, I.P. Tamworth: This is the position in question.

President: This is the position where you surrendered?
 Witness: Yes.

Witness indicates a dugout on the side of a hill above Blue Pool Road. The first one on the east of Wongneichong Gap Road. Witness says first room used as dressing station and sometimes as kitchen.

Witness: There was no undergrowth here then. We were sniped at ^{from RCL}at the top of the hill.

President: Is Mt Nicholson up there?

Witness: No, it is there. We could fire, this was absolutely clear.

Prosecutor: Just above the gap to the right, is that ^{Mc}Nicholson?

Witness: It is all part of the same mountain.

President: Where was the place you were in when the Indian came in?
(Shows a picture) RCL

Witness: The Indian came in from there. By that time there was a Japanese machine gun and it was jolly difficult to get along here, It would be rather nippy.

Witness indicates entrance from where Indian soldier came in, which is directly overlooking Blue Pool Road facing east.

Witness(cont.): In all these shelters there were many wounded. The position on the bend of the road, we were sat down there all day, from about 7 or 8 until 5 p.m. The bend of the road where we sat after surrender, ^{is just below us. RCL}

Prosecutor: Wounded left here?

Witness: The people who could come out came out there, from this position there this way.

President: Where were the wounded left, the first building you showed us?

Witness: Some in that first place, some in these other shelters.

No questions by Defence Counsel.

No questions by Prosecutor.

President: Where were you taken from there?

Witness: Up the road where we have just come down, taken up to Wongneichong Gap and along Stanley Gap Road, through Quarry Bay Gap and down into North Point.

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P.W. NO. 1 - MAJOR G.B. PUDDICOMBE (Recalled).

Witness is reminded he is still bound ^{this acc} by former oath.

The Court is taken to a building on the ^{West acc} right hand side of Wongneichong Gap Road, a short distance up the hill, and shown an inscription ^{on Japanese Chertone acc} on the wall.

President: Can you tell the Court how you came to see this inscription?

^{acc} Witness: I was brought here in the presence of the Accused and Capt Watson. Capt Watson had previously been shown the inscription on the wall. Mr L.C. Smith then took a picture in my presence, which is produced in Exh. F8.

No questions by Defence Counsel.

President: Was the inscription here when you came up?
Witness: Yes.

The Court note another inscription ~~done~~ done in chalk of the same colour. Major Puddicombe states that this inscription was pointed out to him on the occasion of his visit here.

Translation of inscription: Malay Ni Mukau Hi Rhaa Hongkong Omoide Nochi. "The day before coming to Malay, ah, Hongkong, land of memories."

Translation of another inscription: Okamoto Muntai (Okamoto section or party).

P.W. NO. 9 - G.J. WHITE (Recalled):

The Court crosses Wongneichong Gap Road and stand on the east side of it, looking east. Mr White is recalled and states that the pill box on top of the hill on the east side of the valley is No.1, which the Court see from the position looking north.

President: Can you, from where we are, see pill box 2?

Witness: You see that black rock with a white top, just to the right of it.

Witness identifies pill box No.2 which is about six fingers left of pill box No.1, and at about 9.30 o'clock.

President: When you were in pill box No.2, can you describe where you saw the attack coming in relation to where we are now?

Witness: Most of it was coming from the police station.

President: And you say nothing was coming up this valley here?

Witness: No, I would not be able to see. I could see up to about half, but not on that side.

President: Was there fighting in this valley and what time did it start?

Witness: That I would not know. I was only interested in the people coming across whom I could see, and they were the people I saw.

President: They landed on the 18th, and you did not hear any fire until early morning on the 19th?

Witness: That fire came from Caroline Hill toward Leighton Hill.

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Defence Counsel: The pill box from which you surrendered, was that No.1?
Witness: No.2.

Defence Counsel: After you surrendered, how did you go?
Witness: We went up the hill round about that height,
there is a flat ground then there is a valley that goes up.

Defence Counsel: And after that where did you go?
Witness: From that position we went down to the mess hut.

Prosecutor: That slash along the hill, is that the water catchment or the road?

Witness: That is Sir Cecil's Ride, the top is the catchment.

Prosecutor: In Court I think Mr White identified that in the photograph as the catchment.

President: We now know what it is on the ground.

Witness is shown Exhibit F, photographs 3 and 4.

President: Can you show the Court which is Sir Cecil's Ride?

Witness: I will say that is Sir Cecil's Ride, the catchment must be up there.

Witness identifies Sir Cecil's Ride and water catchment respectively on photographs 3 and 4 on Exh. F.

President: The Court will now adjourn until 10 o'clock to-morrow morning.

ADJOURNMENT.

The Court adjourned at Stubbs Road at 1745 hours until 1000 hours on Friday, March 14, 1947.

[illegible]

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Col Laming

Trial of Maj.-Gen. Shoji Toshishige

Fifth Day,

Friday, March 14, 1947.

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PROCEEDINGS OF NO. 5 WAR CRIMES COURT.

Held at Jardine Matheson's East Point Godown, HONGKONG, on
FRIDAY, March 14, 1947.

(Trial of MAJ.-GEN. SHOJI TOSHISHIGE of the Imperial Japanese
Army).

FIFTH DAY'S PROCEEDINGS:

At 1000 hours on Friday, March 14, 1947, the Court
re-assembled pursuant to adjournment. Present: The same
members as on Thursday, March 13, 1947.

Defence Counsel: I wish to apply for corrections in
the transcript of the proceedings on page 17. It is the
answer to the third question.

President: Is this correct? "Can you tell the Court
just where the 230th Regiment did go after it had landed,^Q
and the answer given was: "The 230th Regiment reached
Victoria Point by passing through Jardine's Lookout, where
a fierce three-day battle took place, then Mount Nicholson
and Mount Cameron and reached Wongneichong Gap." Is that
the question you are referring to?"

Defence Counsel: Yes, *actually it should have been Wanchai Gap*

Prosecutor: I think what my learned friend says is
correct. I submit it may not be what Uchiyama said it was.
He was produced as my witness but only to identify the 230th
Regiment. I submit there is no question that can be asked
as evidence for the defence. I am not attacking the witness
in so far as his evidence to identity of the 230th Regiment
is concerned, but I can attack anything else he might have
said which tends to show that he did not know what he was
talking about.

President: What the Court will do is that we will
get hold of Mr Ramjahn and ask him to read what he took down
at the time. It is just possible that ^{the} there may have been a
mistake in the typing. If it appears ^{that} what the witness said
about Wongneichong, then it must stand.

Defence Counsel: To the best of my memory he said
something like: "A fierce battle was fought in Wongneichong
Gap for three days and after he reached Wanchai Gap after
passing through Mt Nicholson or something like that.

President: As a first step, the Court will get hold of
the shorthand notes and see what was taken down.

P.W. NO. 3 - SERGEANT ROY ITO (Recalled)

Witness is reminded by the President that he is still
bound by his former oath.

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P.W. NO. 3 - SERGEANT ROY ITO (Recalled)(Cont.):

President: I think, Mr Takano, it might save a lot of time that instead of putting each individual point to the Witness, you were to ask him whether he had compared Mr Sasaki's corrections with his translation and whether he agrees with all or any of Mr Sasaki's corrections. If he disagrees then we can refer to them specifically.

Defence Counsel: Do you agree with the translation on the points which interpreter Sasaki has listed?

Witness: I agree with everything except for two minor points.

Defence Counsel: What are they?

Witness: The two minor points are, paragraph 3, line 6....

President: Will you first read your translation of that line and then read Mr Sasaki's.

Witness: Mr Sasaki says "Point J" should be inserted after "units." I say "Point J" on line 4 should be deleted.

President: Mr Sasaki says that it should be deleted?

Witness: He did not mention that it should be deleted on line 4.

Prosecutor: I am not quite sure what is happening. Is the remark to be deleted from line 4?

Witness: "Point J" in brackets should be deleted on line 4.

Prosecutor: That is according to you, but is it according to Mr Sasaki also?

Witness: He agrees with me.

Prosecutor: And it should be inserted after "units" in line 6?

Witness: Yes.

Defence Counsel: What is the second minor point?

Witness: Paragraph 14, third line from the bottom. Mr Sasaki has said the word "morning" be deleted. I make a further deletion. "Morning" and "afternoon" should be deleted and "during this time" inserted instead.

President: Do you agree on that?

Witness: Mr Sasaki and I both agree.

Defence Counsel: Did you say only two points that did not agree?

Witness: One further alteration. It concerns the same paragraph 14 and three lines from the bottom as before. After "Jardine's Lookout which had been previously captured by the Shoji Butai," a further sentence goes in: "We thus passed into the afternoon of the same day."

Defence Counsel: And besides these points, you have agreed with the corrections which interpreter Sasaki has made, is that correct?

Witness: Yes, that's correct.

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P.W. NO. 3 - SERGEANT ROY ITO (Recalled)(Cont.):

Prosecutor: You mean you don't agree with what you have just read out?

Witness: Mr Sasaki and I have got together and we have agreed on my corrections to his corrections.

Prosecutor: What you have just read out are in agreement between you and him?

Witness: Yes, and all the rest I agree with him.

President: The agreed minor corrections in the translation of Maj-Gen. Shoji Toshishige's statement, Exh. Z, which have been agreed upon between Sgt Ito and interpreter Sasaki, are handed to the Court, initialled by the President, marked Z-1, attached to the proceedings and will be annexed to Sgt Ito's translation.

President: Major Puddicombe, I suggest when you read Exhibit Z that it should be read in conjunction with these minor alterations.

Prosecutor: Can I have five minutes adjournment in order to make the corrections, Sir?

President: Yes. The Court is adjourned for five minutes.

ADJOURNMENT.

The Court adjourned at 1035 hours.

RESUMPTION

The Court reassembled at 1055 hours.

Prosecutor: I will now proceed with the reading of the translation of Exhibit Z as amended.

Exhibit Z was read, together with the affidavit attached of Sgt Roy Ito.

Prosecutor: Now, Sir, it is necessary to decide whether or not paragraph 4 of Williamson's affidavit is admissible.

President: Not admissible, relevant.

Prosecutor: I submit this formally, Sir. In the statement of the accused he says that he advanced to a position "M" in the map which for the purpose of argument I submit covers the outskirts of Victoria City and consequently paragraph 4 of L/Cpl Williamson's affidavit is pertinent.

President: Have you anything you wish to say on that point, Mr Takano?

Defence Counsel: As all the prisoners-of-war were taken down Stanley Gap Road towards North Point and did not pass the point "M" on the map, I do not think the paragraph is relevant to the charge.

Prosecutor: That is not necessarily true. There is proof that there were a great many passing down Stanley Gap Road but this man was taken on December 22 at Wongheichong Gap and I submit it was quite possible he was taken down the other way at that time.

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SUBMISSION BY PROSECUTION AND DEFENCE ON AFFIDAVIT (Cont'd).

President: The Court is closed to consider the submissions made by the prosecution. ^{RCL}

ADJOURNMENT

At 1140 hours the Court adjourned. ^{closed RCL}

RESUMPTION

At 1155 hours the Court reassembled. ^{re opened RCL}

Defence Counsel: Before the Court decides on the submission just made, I have another point to make in connection with the submission. According to page 9 of the translation report, it says point "M" was fully captured on the 23rd. It is in the middle of page 9. That is to say, before the 23rd. Therefore no POWs could pass through point "M." I wish to have the Court consider this matter.

President: Do you wish to say anything on that point, Major Puddicombe?

Prosecutor: All I can say, Sir, is that we can only suppose "completely captured" means there was no access to North Point through "M" until it was completely captured. That is not necessarily true. Certainly when it was completely captured there would be access but before it was completely captured there might also be access through point "M" to the outskirts of Victoria City which I think you have got to include for the purpose of the description given the part of Happy Valley and Wanchai and those parts which can be described as Victoria City by anyone speaking of the City itself as opposed, for instance, to Kowloon City or Shaukiwan Village or anything of that kind.

President: The Court has considered the submission of the Prosecution as to the relevancy of paragraph 4 of Exhibit U, the affidavit of L/Cpl Williamson and the submission in reply made by the Defence Counsel and his further submission and further reply by the Prosecution, and the Court is of the opinion that having regard to all the evidence before the Court, the paragraph is not relevant and is therefore deleted, and the application by the Prosecution is therefore refused.

Prosecutor: That concluded the case for the prosecution, Sir.

President: Before you finally close your case, have you anything further to say about the affidavit of Cunningham which the Court has deferred? ^{re opening? RCL}

Prosecutor: I have asked the War Crimes Investigation Team if they had any further trace of it, Sir, but I have not heard further from them. If the Court will allow me, and as I understand there is to be an application for an adjournment, I will keep the Prosecution open formally until we reassemble next. Personally, I don't think we will find it.

President: Have you anything to say to that, Mr Takano?

Defence Counsel: Concerning the matter which the Prosecution has just mentioned, I have nothing to say.

Prosecutor: I can telephone now and make absolutely certain in my own mind about the document, Sir, but I am convinced we shall not find it. If the Court will grant me a five minutes

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MISSING AFFIDAVIT (Contd)

adjournment, I will telephone now and make absolutely certain, and perhaps I can then close the Prosecution's case.

President: Very well, the Court is adjourned for five minutes.

ADJOURNMENT

At 1205 hours the Court adjourned.

RESUMPTION

At 1210 hours the Court reassembled.

Prosecutor: I am informed by the War Crimes Team that they have a certified true copy of the affidavit of Shackleton in which the letter from Cunningham is an exhibit. If the Court will permit, I will hold my case over until such time as the Court next sits, and if it is found by then, I will produce it. I understand the Court will adjourn till Monday.

President: If you think you can produce it, there is no point in holding your case over until Monday. There is as yet no formal application for an adjournment. You can produce it to-morrow morning if you think you can find it by then.

Prosecutor: If the Court will allow an adjournment now until such time as is convenient, I will produce Cunningham's letter if the Court considers it may be produced as evidence.

President: Do you think you will be in a position to place this document before the Court at 2.30 p.m. to-day?

Prosecutor: Yes, one way or the other, I think so.

President: Very well, the Court will adjourn now until half past two this afternoon.

ADJOURNMENT

At 1215 hours, the Court adjourned until 1430 hours.

RESUMPTION

At 1430 hours, the Court reassembled pursuant to adjournment, the same members as at adjournment being present.

President: I should like to refer to the point raised by Mr Takano as to the mistake or otherwise on page 17 of the transcript. We now have the shorthand-writer here who was on duty at the time, and I will ask him to read back his notes on that point.

The shorthand writer read the answer and question from his notes as follows:

" Q. Can you tell the Court just where the 230th Regiment did go after it had landed?

" A. The 230th Regiment reached Wongneichung Gap by passing through Jardine's Lookout, where for three days a fierce battle took place. The unit then passed north of Mount Nicholson and Mount Cameron and reached Wanchai Gap."

President: Is this correct, Mr Takano?
Defence Counsel: Yes.

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The President directed that Page 17 of the transcript be re-typed, incorporating the corrections.

Prosecutor: In regard to the affidavit of Lt-Col Shackleton, to which the letter of T.C. Cunningham was attached, I would like to refer you to Page 51 of the transcript of the case against Tokunaga and Saito, in which it states as follows:

"Prosecutor: Will you now produce the affidavit of Lt-Col Shackleton?

"Witness (Capt. Collison): The affidavit I now hold in my hand is the document made by Lt-Col Cedric Overton Shackleton, RAMC, sworn in London on 11th December, 1945. Extracts only from this affidavit are being used. The extracts are marked in red on the original. To the best of my knowledge and belief, Lt-Col Shackleton is not in Hongkong.

"President: The affidavit of Lt-Col Shackleton is handed in, initialled by the President and marked "P (1)"."

Capt. Collison produced the affidavit in the Tokunaga case and he will now say that the extract which he now has is a certified extract by him from the original produced by him. Then he will produce the original appendix to Lt-Col Shackleton's affidavit and finally a certified true copy of Cunningham's letter itself. It has been certified as a true copy of the original produced as an exhibit to Lt-Col Shackleton's affidavit which is signed by Staff Captain A.A. P. Hunt in London. That is the best I can do. If you admit that, I will call Capt. Collison.

President: Can you tell the Court whether the statement made by Cunningham was originally annexed to Shackleton's affidavit as an exhibit to it?

Prosecutor: Yes, the copy that Capt. Collison has was originally annexed to the affidavit. Where the original is I don't know. Lt-Col Shackleton's affidavit says he identified the copy of the letter.

President: He refers to a copy of a letter by Cunningham?

Prosecutor: Yes, and he says this is the one Lt-Col Shackleton used. I might say that some of the appendices were originals, but the one of Cunningham is not, why I don't know.

President: I think the first step should be to call Capt. Collison to prove Lt-Col Shackleton's affidavit and then we can see exactly what Lt-Col Shackleton says.

P.W. NO. 12 - CAPT F.V. COLLISON

After having been sworn, Witness was examined by the Prosecutor as follows:

EXAMINATION BY PROSECUTOR:

Q. Will you tell the Court your full name, rank and appointment?

A. Frederick Victor Collison, Captain, General List, attached to No. 14 War Crimes Investigation Team, Hongkong.

Q. Have you knowledge of an affidavit made by Lt-Col Cedric Overton Shackleton?

A. Yes.

Q. What was the date of that affidavit?

A. Dated December 11, 1945.

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EXAMINATION OF P.W. NO. 12 - CAPT. F.V. COLLISON (Contd)

Q. Can you tell the Court where the original of the affidavit is now?

A. The original of Lt-Col Shackleton's affidavit was handed in by me personally to No. 5 War Crimes Court at the beginning of the trial of Col Tokunaga.

Q. Can you produce certified copies of an extract from the affidavit which refers to an Exhibit "C"?

A. The documents I now hold in my hand are certified true extracts from the affidavit in the matter of the ill-treatment of Prisoners of War and atrocities committed in Hongkong from September, 1941 until April, 1944, dated the 11th day of December, 1945 at No. 6 Spring Gardens in the City of Westminster sworn by Lt-Col Cedric Overton Shackleton, RAMC, before Capt. A.E.P. Hunt, Legal Staff, Military Department, Office of the Judge Advocate General, London, S.W. 1.

President: Before we go any further: You say you have certified extracts. From where did you make these extracts?

Witness: They were made from the original to get ready for this case before they were handed in to No. 5 War Crimes Court.

Prosecutor: Will you look at Paragraph 4 of the extract from the original affidavit and read the first line, then the exhibit mentioned and then the final two lines?

A. Paragraph 4: "I now see before me copies of statements made by: No. 7262319 Sergeant T.R. Cunningham, Royal Army Medical Corps..... These copies are marked respectively "C" to "F" inclusive. I myself have discussed with these four Royal Army Medical Corps non-commissioned officers the conditions and experiences which they relate in their statements and can confirm that they mentioned these matters to me personally." The one referred to is marked "C".

Prosecutor: I propose now to ask Capt. Collison to produce the original appendix "C". You will note that although it is not the original letter it is the original appendix.

To Capt. Collison: Will you now produce the appendix which was attached to the original affidavit of Lt-Col Shackleton?

President: Capt. Collison, when you were handling this affidavit of Lt-Col Shackleton, what documents did you see attached to it?

A. The documents I hold in my hand.

President: Among these documents did you recognise any referred to in this extract from Col Shackleton's affidavit?

A. Yes. The document I hold here is the one. It is marked in the bottom: "This is Exhibit 'C' referred to in the affidavit of Lt-Col Shackleton sworn before me on December 11, 1945, A.E.P. Hunt."

President: What number does that exhibit carry?

A. It has no number. It is marked "C" in red and was typed on the top: "This is Exhibit C".

President: Are you familiar with Capt. Hunt's signature?

A. I can only say that I have seen it on many documents in the War Crimes office--documents from the Spring Gardens Office in London.

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EXAMINATION OF P.W. NO. 12 - CAPT F.V. COLLISON (Cont'd).

President: Will you now produce the document referred to?

Prosecutor: Produced only for the purpose of comparison, Sir, because there are a number of things that might happen, for instance, cases which might arise out of the St Stephen's College affairs

President: The Court will need to see it for comparison.

The document is handed to the Court.

Witness: The document I now hold in my hand is a copy of a statement made by T.R. Cunningham, Sergeant, RAMC, No. 7262319.

President: Will you look at this document here which you have already produced and compare that document with the document you are holding and tell the Court whether the document in your left hand is a correct copy of the document you have in your right hand?

A. This document appears to be a correct copy of the document I have just referred to, marked "C."

President: Will you now hand the two documents to the Court?

Witness hands the two documents to the Court.
The Court compares the two documents.

President: I take it, Major Puddicombe, that you propose to file this document produced by Capt Collison now and also Cunningham's affidavit?

Prosecutor: Yes, that is subject to the permission of my friend because he has not seen the affidavit.

President: Mr Takano, would you like to see these documents?

The documents are handed to Mr Takano, who said: There is only one point. I notice there are two initials "T.R." and "T.C." Which is correct?

President: We have not the original copy of Exhibit C referred to in the affidavit of Lt-Col Shackleton sworn before Capt Hunt, and the name appears as T.R. Cunningham, and as T.C. Cunningham.
Prosecutor: I think that is a typographical error.

President: It says "From Sergeant T.C. Cunningham, 7262319," but was signed T.R. Cunningham, 7262319. It appears to have been a mistake in typing at one point -- at which point it is I am not prepared to say.

Defence Counsel: There is nothing else.

President: The rank and Army number are correct. Have you any questions to ask the Witness?

Defence Counsel: Will you give the dates during which time some POWs were ill-treated. I did not catch the dates? Can you repeat them, please?

Witness: It is on the heading of the extract. It shows the dates between which the events were referred to.

President: If you look at the heading of this document, you will see that Lt-Col Shackleton is swearing an affidavit as to ill-treatment of POWs and atrocities committed in Hongkong between two certain dates. He is referring to other matters quite distinct from what is before us now in Court.

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President: Certified ^{ed} true extracts from an affidavit made by Lt-Col Cedric Overton Shackleton, R.A.M.C., referring specifically to ^{cc} copies of statements made by No. 7262319, Sergt T.R. Cunningham, produced by the Witness, Capt Collison, is handed in to the Court, initialled by the President, marked B1 and attached to the proceedings.

President: A certified copy of a statement referred to in Exhibit B1, that of Sergt T.R. Cunningham, R.A.M.C. No. 7262319, is also handed in to the Court. The Court checked ^{cc} it with the certified copy of the statement of Sergt T.R. ^{cc} Cunningham which is the exhibit referred to in the affidavit of Lt-Col C.O. Shackleton, sworn on December 11, 1945, before Capt A.A.P. Hunt, Legal Staff. The Court have ^{cc} the two compared the two documents and find that the copy certified by Capt Watson ^{cc} and also certified by Capt Collison is correct. It is initialled by the President, marked C1, and attached to the proceedings.

President: Major Puddicombe, will you now read ^{cc} that. ^{cc}

Major Puddicombe reads statement of Sergt T.R. Cunningham ^{cc} and affidavit of Lt-Col C.O. Shackleton. ^{cc}

The two documents are handed in to the Court.

President: Now that the affidavit is read, does that close your case?

Prosecutor: Yes, Sir.

Defence Counsel: Might I have a copy of the note which interpreter Sasaki made. I produced all six copies yesterday, and I have no copy in my hand?

President: You shall have one.

President: Mr Takano, are you ready to open your defence or do you want to make any application to the Court?

Defence Counsel: I wish to ask for an adjournment because I wish to make a submission to the Court, Sir.

President: What submission do you wish to make to the Court?

Defence Counsel: A submission of "No case to answer," Sir.

President: Very well; Mr Takano. How long an adjournment do you desire?

Defence Counsel: Until Monday morning.

President: Have you anything to say to that, Major Puddicombe?

Prosecutor: No, Sir.

President: The Court is adjourned until 10 o'clock on Monday morning.

ADJOURNMENT.

The Court adjourned at 1535 hours until 1000 hours on Monday, March 17, 1947.

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Col Laming

Trml of Maj.-Gen. Shoji Toshishig (Acquitted)

Sixth And Final Day

Monday, March 17, 1947.

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PROCEEDINGS OF NO. 5 WAR CRIMES COURT.

(Held at Jardine Matheson's East Point Godown, HONGKONG, on
MONDAY, March 17, 1947.

Trial of MAJ-GEN. SHOJI TOSHISHIGE of the Imperial Japanese
Army).

SIXTH AND FINAL DAY'S PROCEEDINGS:

At 1000 hours on March 17, 1947, (Monday), the Court
re-assembled pursuant to adjournment. Present: The same
members as on Friday, March 14, 1947.

President: Before we start, there is a point on the transcript which I would like to put to both the Defence Counsel and the Prosecutor. If you refer to page 105 of the transcript and on the fourth paragraph, this was where Maj Puddicombe was explaining to the Court what Capt. Collison was going to come to the Court and prove what he was going to do. The paragraph is rather long and a little involved, so I have slightly re-written it, making its meaning a little clearer. The corrections which I have made, if both the Defence Counsel and the Prosecutor agree that that explains what Maj Puddicombe said, we will have that paragraph re-typed. "Capt. Collison produced the affidavit in the Tokunaga case. He will now say that the extract which he now has is a certified extract by him from the original produced by him." There appears to have been some confusion in the script as to extract and copy. "Then he will produce the original appendix to Lt-Col Shackleton's affidavit and finally a certified true copy of Cunningham's letter itself. It has been certified as a true copy of the original produced as an exhibit to Lt-Col Shackleton's affidavit which is signed by Staff Captain A.A.P. Hunt in London." It is not very clear on the original transcript as to which document has exactly been signed by Capt. Hunt. I want to make it clear that it was the original appendix that was signed by Capt. Hunt, and not the actual document which was before the Court. "This is the best I can do. If you will accept that, I will now call Capt. Collison." If you agree that is accurate and a clear account of what took place, we will have the transcript re-typed.

President: Mr Takano, have you any objection to that.
Are you satisfied with that?
Defence Counsel: No objection.

President: Major Puddicombe?
Prosecutor: Do I understand that the quotation from
the Tokunaga trial will remain?

President: Yes, that remains. Having quoted from the
Tokunaga case you then went on to explain what Capt. Collison
was going to do.
Prosecutor: I have no objection, Sir.

President: Very well, we will have that re-written
explanation re-typed.

President: Mr Takano, you will address the Court?

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SUBMISSION BY THE DEFENCE:

Defence Counsel: I have prepared a statement to the effect that there is no case to answer. It is a little lengthy, so with the permission of the Court, I would like to ask our Advisory Officer, Capt. Whitehorn, to read in my place that which I have prepared.

President: Certainly.

Defence Counsel hands in a written submission to the Court that there is no case for the Defence to answer. This submission is read by the Advisory Officer, initialled by the President, marked D1 and attached to the proceedings.

REPLY BY THE PROSECUTOR:

Major Puddicombe: May it please the Court. If the Court will allow, I would like first to make a very brief exposition of what it is necessary for the Prosecution to prove in any case generally, in order to make a prima facie case. Now, I will refer you briefly to the Manual Military Law, the chapter on evidence, chapter 6 in the Manual itself. Paragraph 12, page 72: "In considering the question of the 'burden of proof' (or onus probandi), regard must be had to two rules: first, that every man is presumed to be innocent until he is proved to be guilty; and second, that he who alleges a fact must prove it, whether the allegation is couched in affirmative or negative terms. It follows that it is incumbent on the prosecution to give evidence showing the commission of the offence and connecting the accused therewith."

Then it goes on to paragraph 13: "When the prosecution has thus proved a prima facie case, it is not infrequently said that the burden of proof shifts on to the accused."

I will not go further into the question of the shifting of the burden. My point therefore is that it is necessary for the prosecution to prove firstly that an offence had been committed, and secondly that the accused is connected with the offence. And he must prove this to this extent only, at this stage of the trial, that in the absence of a defence of any nature, the accused will be found guilty of the charge. I would like to repeat that. If no defence is entered against the proof which the prosecution has offered at this stage of the trial, then you will find the accused guilty.

Now, in the peculiar circumstances of Military Courts, sometimes it occurs that the prosecution must produce a witness, who is not antagonistic to the extent of being a hostile witness, but who can nevertheless under cross-examination be required to give evidence which is hostile to the prosecution. There is no quarrel with that, but I submit here for your consideration that such evidence may not be considered at this stage as apathetic to the prima facie evidence that the prosecution offers.

There are two things then that it was required to prove, that is, the commission of an offence and that the accused was connected with it. At no time has it been suggested that the accused himself took part in any of the alleged

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REPLY BY THE PROSECUTOR (cont.):

atrocities, that is not part of this case. There can be no doubt atrocities occurred. The incident of the hut is one, and the amount of evidence that is there is so manifold that there can be no question of it having occurred later the bayoneting of prisoners at that time. There is also the incident of the bayoneting of prisoners later on, that is, as they were marched back to North Point. There is undisputed evidence, at any rate at this point, that the wounded left behind were never seen again. I will leave it at that for the moment at this point as far as the Prosecution is to go. Those wounded were left behind in a condition which would only leave them in the hands of the capturing forces. At this point, the prosecution can leave it to the defence to show what had happened to the men, if they cannot there is a very strong presumption that they were mistreated and killed. But the real difficulty to prove, and the Court will find it hardest to determine, is whether or not accused himself has been connected, or in the nature of the charge, has been concerned in the ill-treatment leading to the death and so on of various captives. That is the crux of the whole matter. Now, I refer you momentarily, what it is necessary to prove in order to show that the accused was so concerned, to the United States Supreme Court judgment on the Yamashita case. If you will permit me, I will read it:-

"The question then is whether the law of war imposes on an army commander a duty to take such appropriate measures as are within his power to control the troops under his command for the prevention of the specified acts which are violations of the law of war and which are likely to attend the occupation of hostile territory by an uncontrolled soldiery, and whether he may be charged with personal responsibility for his failure to take such measures when violations result. That this was the precise issue to be tried was made clear by the statement of the prosecution at the opening of the trial. It is evident that the conduct of military operations by troops whose excesses are unrestrained by the orders or efforts of their commander would almost certainly result in violations which it is the purpose of the law of war to prevent. Its purpose to protect civilian populations and prisoners of war from brutality would largely be defeated if the commander of an invading army could with impunity neglect to take reasonable measures for their protection."

That is on page 9 of the judgment of Chief Justice Mr Stone who delivered the opinion to the Court.

There is one point that I have omitted to suggest to you in regard to the actual commission of an offence and that is, the question of putting prisoners in the hut in the conditions which you saw. Just briefly I will refer you to the Hague Convention, part 3, Captivity, Article 7. This is, of course, subject to whether you eventually find that the accused's troops were responsible for having put them into the hut:-

"As soon as possible after capture, POWs should be evacuated to depots sufficiently removed from the fighting zone for them to be out of danger. Only prisoners who by reason of their wounds or maladies were to run greater risks by their removal, may be kept temporarily in the

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REPLY BY THE PROSECUTOR (cont.):

in the danger zone. Prisoners will not be unnecessarily exposed to danger while evacuating from the fighting zone."

So that you must ~~we~~ prove then that an offence occurred, and I submit there is proof beyond any possibility of the case being dismissed at this point. Consequently the accused's troops were responsible for the commission of the offence. In that regard, what has been proved, as my learned friend has pointed out, a great deal of the case for the prosecution is founded on the actual statement made by the accused and the map which he has marked. Now the incident that has been high-lighted throughout our evidence has been the capture at the corner of Stanley Gap Road and the corner of the road coming down from Jardine's Lookout. I am going to deal with that first, because there might possibly be a doubt as to whether it was captured by the Shoji's troops or by other troops. You have the evidence of Fincher, Zimmern, Winyard and Cheung in respect to what happened there. Now, you will recall that ~~when~~ we went there that the opening to that headquarters pointed east. From the west there was no opening, you could not see in the deep trench or passages leading to the HQ unless you actually stuck your head over the top. In order to reach prisoners coming out, it is essential to go to the east end of that emplacement and watch them come out of the file there. It is pertinent just where the attack came from and if there was any other entrance the evidence of those men might be doubtful.

You will recall again that all the firing came from Wongneichong Gap except one or two mortar bombs that came apparently from ~~an~~ another direction. Now, I submit that the troops, Fincher says, came from the east, and he says that when he came out of the HQ he saw men lined up on the east side facing him, and I would ask you to consider where else these men could have been, and I submit they would have to be on the road leading from Tytam, otherwise they could not reach the prisoners as they came out, they could not take what precautions that were necessary to see that the prisoners did actually surrender and did not attempt an attack. It would be inconceivable for the troops accepting a surrender to have appeared on the road to the west of the position, so that I say this: That Fincher said that those men came from there, he can only be credited to this extent that he saw men on the east side of the position, but you may not draw the conclusion they came from the east side of the position and you must go further into the evidence before that can be taken as established. Over and above that, the other men who were there, notably Zimmern, who said that he felt sure that they did not come from the east, but from the direction of Jardine's Lookout, which account is most probable, because coming down from there, they would naturally come around to the left, so that they would be in front of the position from which the surrendering prisoners would emerge.

Now, before going further, there are two things I would like to comment on. In my friend's submission, he says that the defence can prove that this was a passing patrol, but the defence cannot do that now, not until there is a defence anyway. What they prove at the time they submit their defence is something the Court cannot consider at the moment. That again is in respect to what Uchiyama had to say. He was

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REPLY BY THE PROSECUTOR (cont.):

produced by the prosecution for one purpose, and that was to prove that the accused was connected with the 230th Regiment. Whatever else he said under cross-examination is not proof submitted by the prosecution but proof submitted by the defence, and I submit that it must be taken as part of the defence when it formally opens. Other than what he had said that the accused was the commander of the 230th Regiment, is not competent for consideration in respect of whether or not a prima facie case is made. Similarly, the few inscriptions on the wall in Wongneichong Gap, just west of the Stanley Gap and pointed out to you, they may be pertinent later on, but they are not at the moment. Now, that is negative. What is the positive proof we have in respect to the Stanley Gap incident that the Shoji's troops were culpable parties. I would ask you to particularly see the evidence of White. He has pointed out his position to us on Jardine's Lookout. If you correlate that with the marks made by the accused on the map, I think you must agree that in the absence of proof to the contrary White's position was overrun by Shoji's troops. There might be no doubt in your mind in that respect. If there is any doubt in your mind you will have to ask yourself in the face of the marks on the map whether some other regimental commander was able to place troops there and take that position. Mind you, that position was taken at about 1700 hours, according to White, on the afternoon of the 19th. The Shoji unit had come up there during the night of the 18th-19th. He had attacked the position on Jardine's Lookout, as he himself says, and he had not see any troops other than an odd patrol of Tanaka's men during the day and no troops in that situation. Consequently I say that in the absence of any proof to the contrary it must be taken that the Shoji Butai overran White's position. If you accept that, then you must accept the corollary that the Shoji's troops marched those prisoners, White and his fellow-prisoners, down to Stanley Gap. It is well to bear ~~in mind~~ this in mind. White says he surrendered about 1700 hours. Fincher, Zimmern, Winyard and Cheung's evidence is to the effect that they surrendered sometime before that, so the implication is this that Shoji's troops marched them to that point, put them in the hut, where Zimmern and the others were put. I submit that in the absence of proof to the contrary, a prima facie case has been made, that the Shoji troops not only put White and other prisoners down there, but also it is a fair inference that the troops who took the other must have been the same unit, for the very reason that White's men were taken down there. Whatever you may decide in that respect there can be no doubt that White's men were taken by Shoji unit and put in the hut.

Leaving the question of Jardine's Lookout and Stanley Gap for the moment, what other proof have you got respecting the charge generally against the accused. Now, take the proof offered by Tamworth. I think it would be stretching the probable doubt theory to the breaking point that there was any doubt but that Shoji's troops captured Tamworth in the face of the evidence you have now. The markings on the map certainly showed it and the accused in his statement is precise that he took that position and that he was not very far away from it and that it was taken. If you question it at all, you must decide what other unit could have taken it but the Shoji Butai. There is no evidence to show that there was any other unit but his there. If atrocities were committed

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REPLY BY THE PROSECUTOR (cont.):

against Tamworth and his comrades there, then I say we have made a prima facie case that it was done by Shoji's troops. The only other thing I ask you to consider is the letter of Cunningham. My friend has made some allegation in respect to the improbability that the men taken prisoner at that position were taken by Shoji's troops. Proof has been offered that the position was in Wongneichong Gap. Cunningham says so; and the accused ~~now~~ claims credit for taking the whole area. Besides that in his explanation, Cunningham described the terrain sufficiently so that you can agree it is within the bounds of the positions taken by Shoji's troops. You will find it fairly conclusive in his letter that the position was in that area. As the defence has said, there is some question as to whether or not any offence occurred in respect to Tamworth and Philips and those taken in or about the Canadian headquarters. As far as Cunningham is concerned, if you accept his position was in Wongneichong Gap, there can be no doubt an offence was committed because he saw men being bayoneted with Red Cross brassards on their arms and he also saw the Indian killed. As for Tamworth and Philips, they require some explanation on the part of the prosecution. First, Tamworth said there were certain wounded prisoners left there and whom he never saw again. He implies they never left that place alive. I suggest in the face of that evidence it is necessary for the accused to establish just what happened to them. Were they dead when he got there, or were they hospitalised after they were captured, or did they die after hospitalisation or did they recover, and if they did, what happened to them, or were they bayoneted on the spot as implied. Aside from this, is the question of the conduct of the prisoners to North Point. It is admitted very clearly in the evidence of Tamworth and Philips that on the march down from Wongneichong Gap to North Point at one place a change of guard occurred. That was in the Stanley Gap area. The defence has left it to the conclusion that there was a change in the unit, but nobody has said that. The closest thing you get was Tamworth's statement that they were second line troops. There is no suggestion they were not under the command of the accused. On the contrary there is a very strong suggestion and by the accused himself, that they were under his command. He stated prisoners were sent down to headquarters which was at North Point, either in the Sugar Refinery or somewhere in that district. That is in the evidence of both Uchiyama and the accused himself and that is the only actual evidence suggested by the defence. Prima facie evidence has been given that the accused was responsible for those prisoners until they arrived at North Point. Consequently anything that happened even after the guards changed is still his responsibility. Consequently I submit that the accused has the following allegation to answer: First, in respect to what may be termed the Stanley Gap Incident, that the troops under his command did not take White and his party to that area, did not place them in a crowded hut subject to the ordinary risks of a heavily contested action, did not keep them unduly there for any period from 12 to 15 hours, during which period they were subjected to artillery fire, that he did not in fact take Tamworth's position and did look after the wounded in that position when the surrender took place, that his own troops were responsible only until the time that the ~~prisoners~~ prisoners were handed over from the capturing troops to whatever unit it was that was pointed out by Tamworth and before he reached headquarters, and that generally he himself

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REPLY BY THE PROSECUTOR (cont.):

was not responsible for the various allegations that have been made. I suggest that in virtue of the general nature of the charge that if even in one particular you find he still has something to answer, then the whole of my friend's submission has failed, and he must be required to put in his defence.

President: The Court is closed to consider the submission of No case to Answer made by the defence.

ADJOURNMENT.

At 1110 hours the Court adjourned ~~was closed~~. *see*

RESUMPTION.

At 1240 hours the Court re-assembled. *opened see*

President: The Court has considered the submission made by the Defence Counsel that there is no case for the defence to answer, and they have also considered the submission made by the Prosecution in reply. The Court are satisfied that in accordance with the submission made by the Defence there is no case for the defence to answer.

President: Maj.-Gen. Shoji Toshishige, the Court finds you not guilty of the charge brought against you. The proceedings of the Court are hereby terminated.

CONCLUSION.

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B—Certificate of President.

I certify that the court, as appointed in the convening order, assembled on the
Tenth day of *March* 194*6* and duly tried the persons named in
the Schedule and that the plea(s), finding(s) and sentence in the case of each such
person were as stated in the third and fourth columns of that Schedule, *and that the court*
President and Members are assembled after each adjournment and not throughout the time

I also certify that the president and members of the court, the witnesses, the
interpreters and the shorthand-writers were duly sworn, or affirmed *all*

(In the case of a death sentence)—I also certify that sentence of death was
passed on
with the concurrence of

(Reg. 9).

Signed this *Seventeenth* day of *March* 194*6* *RC*

R C Lanning Lieutenant Colonel

President.

No 5 War Crimes Court

C—Confirmation.

I have dealt with the finding(s) and sentence(s) in the manner stated in the
last column of the Schedule and subject to what I have there stated I hereby confirm
the above finding(s) and sentence(s).

Signed this day of 1946.

Confirming Officer.

D—Promulgation.

Promulgated this day of 1946.

(Signed).....

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LIST OF EXHIBITS.**Exhibits (E) Prosecutor Opening-Address**

- (F) Photographs of Wong Mei Chong Cap
- (G) Summary of examination of Edward Charles Watson
- (H) Sgt. Maist's Affidavit
- (J) Pte. H.P. Miron "
- (K) L/Cpl. Bradbury "
- (L) Pte. Pollock "
- (M) L/Sgt. Hall "
- (N) Pte. Adams "
- (O) Gren Renton "
- (P) Cpl. Hiscox "
- (Q) Pte. Haddad "
- (R) Pte. G. Kipling "
- (S) Pte. O'Neil "
- (T) Cpl. Klavichuk "
- (U) L/Cpl. Williamson "
- (V) L/Cpl. Mander "
- (W) Capt. P.W. Phillips ~~written~~ written statement
- (X) Maj-Gen. SHOJI Toshishige
- (Y) 8 Dec'46 - 25 Dec'46.
- (Z) STATEMENT IN JAPANESE BY MAJ-GEN. SHOJI.
- (Z1) Corrections of "Z"
- (A1) Map of Hong Kong
- (B1) Extract from Lt.Col. Shackleton Affidavit
- (C1) Certify true copy of a letter by Sgt. Cunningham RANC to Lt.Col. Shackleton.
- (D1) Submission by Japanese Defense Counsel of no case to answer.

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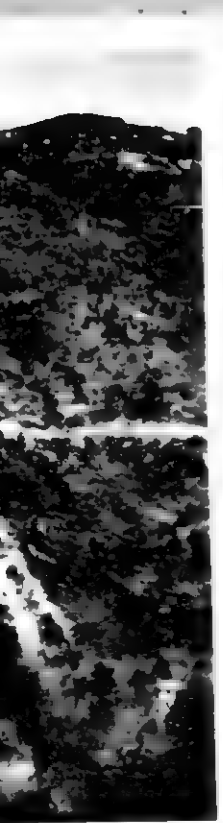
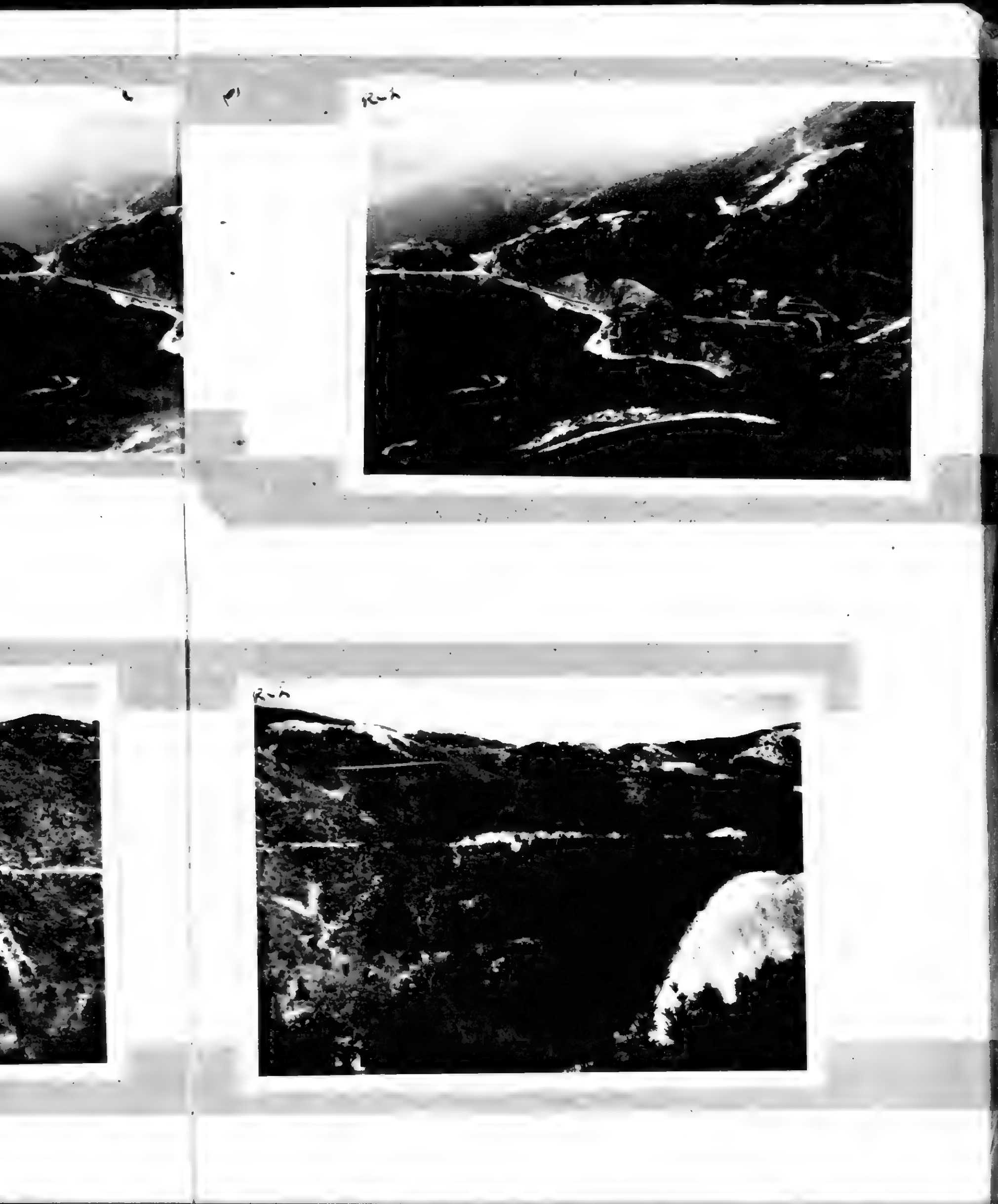


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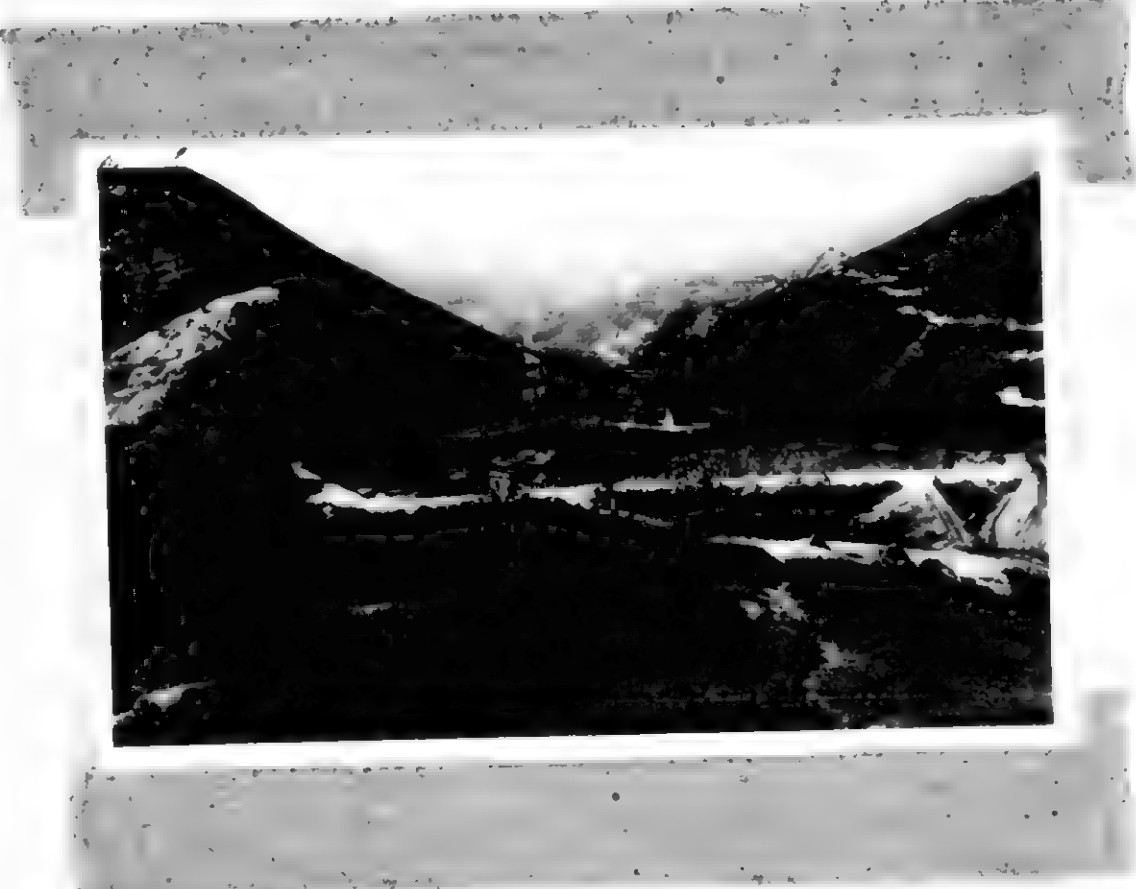
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Summary of Examination of: EDWARD CHARLES WATSON, T/Capt. General List,
duly sworn states:-

I am 47 years of age, of BRITISH Nationality,
born at London, England.

At present serving with War Crimes Investigation Unit, Hong Kong.

On the 8th Dec 1946, I took a sworn statement from Maj. Gen. SHOJI Toshishige at Stanley Gaol, HONG KONG. On completion of the said statement he intimated that he would write out a more detailed report and would let me have it in a few days time. On the 21st Dec 1946, I saw the said Maj. Gen. SHOJI Toshishige again when he handed to me the document now produced and shown to me and marked Ex. "B" which was written in pencil and consists of 7 pages. I immediately handed the same to Sgt. R ITO, for translation. The said statement was prepared and given to me by Maj. Gen. SHOJI out of his own free will without any pressure or inducement from me.

Further say that acting on information supplied by the said Maj. Gen. SHOJI, I visited on or about the 18th day of November 1946, a dug out on the West side of WONG NEI CHONG ROAD, just before it joins the STANLEY GAP ROAD, and I found written on one of the walls the following inscription:

占領地
一九四六年十一月
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which I have been given to understand means:-

"Captured by the ? ? (Illegible)
detachment of the OKADA Unit at 15:00
hrs, on the 22nd day of December.

Signed: *E. C. Watson*
(E. C. WATSON)

SWORN BEFORE ME

Signature *[Signature]* Major,
WAR CRIMES INVESTIGATION UNIT,
HONG KONG

This ...29th.... day of ... November 1946.

Detailed to examine the above by the Commander-in-Chief,
Allied Land Forces, South East Asia.

(Authy: ALFSEA War Crimes Instruction No.1, para 7).

/NH

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EXTRACT FROM THE AFFIDAVIT OF : Sgt. Thomas George MARSH.

DEPOSITIONCANADA
Province of Manitoba,
To Wit:(In the matter of Personnel held
(Prisoner of War by the Japanese
(and in the matter of the deposition
(of No. H. 6007, +Sergeant Thomas
(George MARSH, Winnipeg Grenadiers,
(C.A.- taken before Major W.H.
(August, District Headquarters,
(Military District No. 10.

I, No. H.6007, Sergeant Thomas George MARSH,
of the City of Winnipeg, in the Province of Manitoba
a sergeant in His Majesty's Canadian Army make oath
and say:

I am No. H.6007, Sergeant Thomas George Marsh,
of the City of Winnipeg, in the province of Manitoba,
a member of His Majesty's Canadian Army and at all
time pertinent hereto on the strength of the Winnipeg
Grenadiers, C.A.

On the 19th day of December, 1941, at Hong Kong,
Jardines Lookout position, under Lieutenant Birkett,
I was wounded. The Japanese troops, I do not know
the regiment, stormed the position, which was a platoon
position at the top of the hill and overran it.
All who were living or wounded, showing signs
of life, were bayoneted. The Japanese thought I was
dead and left me alone. When I came to that night
I tried to crawl back to our own lines but was taken
prisoner by a Japanese patrol. They took me to a
sort of Headquarters. I do not know the name of
the Japanese regiment concerned at this time. The
Japanese at this Headquarters were red of eye,
frothing at the mouth and the soldiers seemed to be
out of control. I was of the opinion they were under
the influence of some sort of dope at the time.
Many prisoners were being brought in from the
Winnipeg Grenadiers, Hong Kong Volunteers, two
British regiment and Indian troops. The prisoners,
the sick and wounded prisoners as well as those
who were physically fit, were herded into a kitchen
or mess hall, which was being shelled by our own
trench mortars. Most of the boys were wounded and
were crying for water. This was refused by the
Japanese. The place was so crowded there was no
place to lie down and in fact some of the wounded
were stood on. I was lying on a Dead Canadian
and beneath him was a living Chinaman who was trying
to get up. I tried to help him get up but the crush
was so great it was impossible to do so. Shortly
after this two trench mortar shells hit the building,
killing a third of the prisoners in this building
and started a panic. Those who could tried to get
out at the door and these were bayoneted to death
by the Japanese sentries. This was on the 20th day
of December, 1941, and I cannot recollect the names
of any of the individuals who actually took part in
the bayoneting or who were in charge of the building
nor do I know any of the Japanese regiments concerned.
I heard it rumoured later that the Japanese troops
in charge of this building at the time were Formosans.

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No attempt was made to help the sick and wounded to take any of the prisoners out of our own fire. We were kept there until the Japanese had driven our own lines back beyond range. This place where we were held was near the Canadian Headquarters and we had been sent up there to relieve Brigade which had been cut off. It was Wan Ni Chang Camp.

I was semi-conscious at the time, coming to and passing out periodically, and I don't know how long we were kept in this building but I believe six or seven hours. Everybody who could walk was ordered out in the evening around six o'clock and our hands were bound very tightly behind us with wire. The binding on my hands was so tight that they stopped all circulation. I was in a party of seven and we were marched to the edge of a cliff where the Japanese soldiers set up a machine gun and prepared to execute us on the spot. Before the order to fire was given a Japanese officer came up and ordered the Japanese soldiers to take us further down the road. We were taken further down the road and a platoon of Japanese soldiers was called down out of the hills. They came down, fixing their bayonets as they came, and lined us up against the wall, going through the motions and leading us to believe they were going to bayonet us. At this point another Japanese officer or NCO, I am not sure which, came along and ordered them to take us further down the road and we went some distance on when we joined some other prisoners. We formed a column and we started on a march down towards the harbor. All the prisoners in this column had their hands bound tightly behind their backs. We were bound together in addition in group of seven, which made it very hard to walk and we couldn't support the wounded. An Englishman behind me, who was wounded, said he couldn't make it, fell out and dropped. The Japanese cut him loose and took him into a ditch in the road and I saw them bayonet him to death. This is the only actual killing that I saw at that time, although I was advised later on by some of the prisoners in the column of many other instances where wounded, having to fall out, were bayoneted to death and I personally saw several bodies lying at the side of the road bayoneted to death which we passed.

We were finally marched down to the harbor. This was a seven or eight mile march, uphill and downhill. There was no food nor water during the march. A lot of the men were badly wounded. I personally had been shot through the head, the bullet entering in front of my right ear and came out just in front of my left ear. I had a bullet through my right leg and a broken arm.

The prisoners who had been unable to walk had been left in this kitchen that we had first been confined in. I know two of our Officers, brothers, by the name of Mitchell, were left there. Neither I nor anyone else I know of heard of or saw them after that and I am of the belief that they were bayoneted to death along with all of the others who remained there.

Signed T. G. MARSH
(H.6007 Sgt.TG. Marsh)
Winnipeg Grenadiers, C.A.

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SWORN before me at the City of Winnipeg
in the Province of Manitoba, this 14th
day of January, 1946, consisting of 6
pages each signed by the Deponent

(SGD) F J KILLEEN
A Notary Public in and for the Province of Manitoba.

I certify that the above are true extracts of:-
Sgt. THOMAS GEORGE MARSH, and that it contains
all matters relating to the "1941 Atrocities Case".

(SGD) E C WATSON
Captain
War Crimes Investigation Unit,
Hong Kong.

/NH

E.C. Watson
Certified true copy *Soft.*

*This extract has been checked by the Court with
the original ^{affidavit} and found to be correct*

R. L. Lanning
10/1/46
President

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00141

J. R. L.

DEPOSITION

Canada
Province of Manitoba
To Wit:

In the matter of personnel held
Prisoner of War by the Japanese
and in the matter of the Deposition
of H.77564 Pte. H.P. Miron, Winnipeg
Grenadiers, C.A.

I, No.H77564 Pte. H.P. Miron, a member of His
Majesty's Canadian Army, make oath and say:

I am No.H77564 Pte. H.P. Miron; I reside at 431
Aulneau St. St. Boniface in the Province of Manitoba.
I am a member of His Majesty's Canadian Army and at all
times pertinent hereto a member of the Winnipeg Grenadiers,
C.A.

1. On the 19th day of December 1941 at Hong Kong I
was wounded in the groin. At one o'clock that afternoon
the Japanese captured about forty five members of our
company, myself included. I saw L/Cpl. Land, B.B. Whalen
and Nic Osadchuck bayoneted after we had been taken
prisoner. We were then taken down to an evacuated
Artillery post and crammed into a hut 15' x 30'. There
were about one hundred wounded prisoners in there at the
time. Some were tied with wire. Many were dead. There
were British, Canadians and Indians amongst us. We
remained here about 18 hours without food or water. About
six a.m. the following morning three inch mortar shells
hit the building killing about a third of the prisoners
and starting a panic. Those that tried to get out the
door were bayoneted by the sentries.

2. From this Headquarters we were marched about seven
miles to North Point. We were bound together with radio
wire in groups of about 30. If any of the wounded passed
out during the march they were cut loose and bayoneted.
One Pte. Kilfoyle of the Winnipeg Grenadiers, died this
way. At North Point we didn't see many of the prisoners
beaten but the Chinese civilians were being executed,
raped and tortured and their bodies thrown into the sea.
The Japanese responsible were guerrillas.

*Deleted
understand
R.C.*

Sworn before me at the City of Winnipeg
in the Province of Manitoba, this 26th
day of November, 1945.

H.P. Miron
(H77564 Pte. H.P. Miron)
Winnipeg Grenadier, C.A.

(A Notary Public in and for the
Province of Manitoba)

CERTIFIED TRUE EXTRACT:-

E. C. Watson
(SGD) E C WATSON *E. C. Watson*
Capt.
WAR CRIMES INVESTIGATION UNIT
HONG KONG

NC. *This extract has been checked by the Court with the
original affidavit produced and found to be correct*

R. L. Hanning
10664
President

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00142

CANADA
PROVINCE OF BRITISH COLUMBIA }
TO WIT

I, CHARLES BRADBURY of the City of Trail, in the Province of British Columbia, Rubber Worker, make oath and say as follows:

1. That I am Ex- K85467 L/Cpl. Charles Bradbury of the Winnipeg Grenadiers, C.A.
2. That I proceeded to Hong Kong with the Winnipeg Grenadiers, arriving at Hong Kong 16 November 1941 and was taken prisoner by the Japanese at Hong Kong on 19 December 1941.
3. That on the 19 December 1941, "A" Company of the Winnipeg Grenadiers had been engaged fighting a Rear Guard Action defending Tistung Dam and had been forced back to Jardine's Lookout. It was at Jardine's Lookout that I, together with approximately thirty-six (36) other members of "A" Company of the Winnipeg Grenadiers, was taken prisoner by the Japanese.
4. That immediately following our capture as aforesaid, we and by "we" I mean myself and the remaining thirty-six members (approx.) of the Winnipeg Grenadiers, were standing around in groups waiting to be marched off by our Captors. One group of four (4) Grenadiers consisting of Pte. Land, Pte. Nick Osahchuk, Pte. Roy Stodgell and a fourth Grenadier whose name I cannot recall, was distant approximately thirty (30) yards from my position. I personally saw Pte. Roy Land remove a Grenade from his pocket, draw the pin and throw the Grenade toward where a group of seven (7) Japanese soldiers were visible. The Grenade exploded killing at least four (4) Japanese soldiers. The three (3) surviving Japs together with eight or ten other Japs who were near by, rushed to the spot where the four (4) Grenadiers namely Ptes. Land, Osahchuk, Stodgell and a fourth whose name I cannot recall were, and, using their bayonets, quickly killed Ptes. Land, Osahchuk, Stodgell and the fourth Grenadier whose name I cannot now remember. As stated above this took place on 19 Dec. 1941 at Jardine's Lookout on the Island of Hong Kong.
5. That a Japanese officer was standing near by and witnessed the killing of the four Grenadiers described in para. 4 hereof. That to the best of my knowledge and belief the Japanese officer gave no order to his men until after the four Grenadiers had been killed as aforesaid. The Japanese officer then ordered his men to march the party I mean the captured Grenadiers numbering then approximately thirty-two (32), to a near by Hut, which I verily believe was the Mess Hall of the Middlesex Regt on Jardine's Lookout.
6. That I would describe the Japanese officer referred to in para 5 hereof as being about 5 feet 5 or 6 inches tall, very stout, weight about 170 lbs. I was not close enough to the Japanese officer to distinguish his rank badges or other insignia. After we had been marched to the Hut this Japanese officer entered the building and speaking in very good English informed us that we were now prisoners of the Japanese Army. I never did see that particular Japanese officer again.

C.B. J.S.S.
Charles Bradbury
J.S.S. Perry

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Page 2.

7. That there were other members of the Grenadiers present and who witnessed the killing described in Para 4 hereof but I am unable to recall their names.

8. That I verily believe that when Pte. Roy Land threw the Grenade as described in Para. 4 hereof he (Land) knew that all members of "A" Company of the Grenadiers numbering approximately thirty-six had surrendered to the Japanese. My reason for so believing is that the whole group (approximately 36 strong) were standing around without rifles all our ammunition and grenades having been exhausted.

9. That I was not the senior N.C.O. in my Platoon, as Cpl. Currie of No. 9 Platoon "A" Company was one of the Group of approximately 36 Grenadiers who surrendered to the Japanese on 19 Dec. 1941 at Jordan's Lookout. (I belonged to No. 9 Platoon "A" Company.) I was, however, exercising control over the actions of those in my immediate vicinity. The four Grenadiers killed in the manner described in para 4 hereof were not in my immediate vicinity and were not under my orders.

Sworn to before me at the City
of Trail, British Columbia, this
9th day of March, 1946, consisting of
two pages signed by the Deponent

Charles Barclay

J.S.S. Penny
A Notary Public in and for the Province of British Columbia.

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L R 12

DEPOSITION

CANADA
PROVINCE OF MANITOBA
TO WIT:

) In the matter of personnel held Prisoner
) of War by the Japanese and in the matter
) of the Deposition of H. 70277, Private
) John David POLLOCK, Winnipeg Grenadiers,
) C.A.

I, No. H.70277, Private John David POLLOCK, a member of His Majesty's Canadian Army, make oath and say:

1. I am No. H.70277, Private John David Pollock. I reside at Suite 3, West Apartments, 258 Alverstone Street, in the City of Winnipeg, in the Province of Manitoba. I am a member of His Majesty's Canadian Army, and at all times pertinent hereto a member of the Winnipeg Grenadiers, C.A.

2. I was serving with "A" Company, Winnipeg Grenadiers, at Wan-chai Gap, Hong Kong, when taken prisoner on 19th December, 1941. I was subsequently taken to North Point Camp for about two days and then taken to Argyle Barracks. I remained at Argyle Barracks a few days and was then taken to Sham Shui Po about 27th December, 1941. I remained at Sham Shui Po for about a month and was then sent to North Point Camp, where I remained until 26th September, 1942, at which time I was returned to Sham Shui Po, remaining here until sent with the fourth Canadian draft to Japan on April 29th, 1944. This draft proceeded by boat from Sham Shui Po to Mogi, and thence by train to Sendai Camp II. I remained at this Camp until liberated, with the exception of the period from 20th January, 1945, to 15th May, 1945, when I was a patient in Shinigawa Hospital.

3. When taken prisoner with about sixty others in the vicinity of Wan-chai Gap on the afternoon of 19th December, 1941, we were marched back to a hut less than a mile away. On the way to this hut I saw a Winnipeg Grenadier throw a hand grenade into a Japanese machine gun nest, killing them. I do not know who this Grenadier was. Within a few minutes afterwards Privates Roy Land, B.B. Whalen and Nick Osadchuk were pulled out of line and beaten by the Japanese sentries. I then saw Pte. Land bayoneted by one of the Japanese. I did not see what was done to the others. I never saw any of these three again. A Japanese officer was in charge of the group of prisoners and he was present when the beatings and bayoneting took place. I do not know his name. Some of the Winnipeg Grenadiers who were in this group were Sgt. Pugsley, and Privates Teasdale, Wrigley, Leonard Aitken, William Hicks and Boulette. When we got to the hut we were all crowded into it and more were brought in later. There must have been over a hundred persons in this small hut. This was a mixed group of Imperials, Indians, Hong Kong volunteers and Canadians. We were kept in this hut all night and early in the morning of 20th December, 1941, it was hit with a mortar bomb, killing some and wounding others. I personally received a wound in the left chest from a piece of shrapnel. About six or seven hours later we were marched to North Point Camp. The ones who were too badly wounded to walk were left behind. I did not know what became of them. On the way to North Point Camp Private Kilfoyle, W/G, was unable to keep going due to wounds and fell down. I heard him say "I can't go on. I can't go on." At this time we were tied to one another with wire, and Kilfoyle was released and taken out of the line. I did not see what happened to him, but I

J. D. Pollock
C. H. Johnson

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Deposition of H.70277, Private John David POLLOCK. Page -2-

understood from what some of the others told me after arrival at North Point Camp that he had been bayoneted. I do not now recollect who told me this.

4. Except as herein stated I do not at this time recollect any further information of atrocities or incidents of mistreatment of Allied Prisoners of War.

SWORN before me at the City of Winnipeg, in the Province of Manitoba, this 21st day of February, 1946, consisting of two pages each signed by the Deponent.

J. D. Pollock
(H.70277, Private John David POLLOCK,
Winnipeg Grenadiers, C.A.)

C. H. Johnson
A Notary Public in and for the
Province of Manitoba.

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M R L

11

DEPOSITION

CANADA
Province of Manitoba
To Wit

In the Matter of personnel held
Prisoner of War by the Japanese
and in the matter of the Deposition
of H.6047, L/Sgt. William Albert
HALL, Winnipeg Grenadiers, C.A.

I, No. H.6047, L/Sgt. William Albert HALL, a member of
His Majesty's Canadian Army, make oath and say :-

1. I am No. H.6047, L/Sgt. William Albert
HALL; I reside at 134 Main Street, Rideout, Kenora,
Ontario. I am a member of His Majesty's Canadian Army
and at all times pertinent hereto a member of the
Winnipeg Grenadiers, C.A.

2. I was with "A" Company of the Winnipeg
Grenadiers during the fighting on Hong Kong Island and
was captured at Mount Butler on the 19th December,
1941.

3. During the 19th of December, 1941, our
Company had been fighting on Mount Butler under Major
Gresham. Although I do not know the size of the
Japanese forces with which we were engaged, I believe
that it was at least a regiment. We had been fighting
since dawn and were completely cut off from the other
units when at about 4:00 p.m. Lieut. McKillop, who was
the senior Officer left alive; ordered our surrender,
as our ammunition was practically exhausted and the
large proportion of our Company had been killed or
were badly wounded. About two platoons of Japanese
dis-armed us; our numbers having been reduced to twenty
all ranks.

4. We remained in the position where we had
surrendered for about fifteen or twenty minutes and
were then marched down towards a shack, about a half
mile below in the valley called Butler's Gap and where
we were forced to spend the night. On the way down,
just as we were passing our old anti-aircraft post,
three Grenadiers, namely: Pte. Whalen, B.B. L/Cpl.
Land, R. and Pte. Osadchuk, were hauled out of our
ranks by some Japanese soldiers who had been resting
at the side of the path and before I had taken more
than four or five paces, I saw Pte. Whalen hit on the
head several times with the butt of a rifle and as he
fell to the ground a Japanese soldier shot and killed
him with a revolver. At the same time as Pte. Whalen
was being murdered, L/Cpl. Land and Pte. Osadchuk were
bayoneted by at least three or four other Japanese
soldiers, and fell to the ground and appeared to die
almost instantly. I could not identify the Japanese
soldiers responsible for this and I do not know the
name of their unit, but Sgt. Pugsley, Pte. Stewart,
Pte. Bell, and L/Sgt. Currie, all of the Winnipeg
Grenadiers, were also present.

5. There were about six Japanese soldiers
who were actually responsible for the killing of Pte.
Whalen, L/Cpl. Land and Pte. Osadchuk, although the
soldiers who were marching us down to the shack took
no steps to prevent these soldiers being murdered.

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6. About fifty yards further down the path we came to a road along which we proceeded for about 200 or 300 yards until we came to the shack. It was here that I first saw a Japanese Officer although at the place we surrendered there had been several Non-commissioned officers and there also had been several Non-commissioned officers guarding us on the way down to the shack. I do not know the name or number of the Unit to which any of these men belonged, but it definitely was an Infantry Unit and it must have been a first or second regiment on to Hong Kong Island.

7. The Japanese Officer whom I saw at the shack on the 19th of December, 1941, was an Infantry Officer. He was short and stocky and weighed approximately 150 lbs. He was a Lieutenant; clean shaven, and spoke English slightly. I believe that he was an Officer belonging to the Unit which took us prisoners as our guards appeared to know him well.

8. During the night of the 19th of December, 1941, I was in the shack with approximately ninety other prisoners who included about thirty Canadians and the rest being made up of British, Indian, Hong Kong volunteers and one Chinaman. There were three Canadian Officers and one British officer in the shack. The ten Canadians who joined our group were brought down to the shack at a later time and they were all Winnipeg Grenadiers; but the only one I can remember by name was Sergeant Marsh.

9. During the night our own Artillery scored two direct hits on the shack and many of the prisoners of war including two of the officers were killed, and another officer Lieut. V. Mitchell of the Winnipeg Grenadiers was very badly wounded and I believe was killed in this shack by the Japanese after we had left in the morning.

10. On the morning of the 20th of December, 1941, those of us who were able to walk were moved to North Point Camp. Those who were unable to walk were left in the shack and none of them were heard of again. We were not permitted to carry those who were unable to walk; the Japanese guards stated that only those capable of walking unaided could proceed. Although Lieut. McKillop had been badly wounded, when the shack was hit during the night, he was able to walk unaided and he proceeded with us. I am convinced that the Japanese killed all those who were left, as one of the Japanese Non-commissioned officers stated that they, the Japanese, could not be bothered looking after those who were unable to walk.

11. Our group arrived at North Point Camp on the evening of the 20th of December, 1941, and on the following day several of us carried Lieut. McKillop to Argyle Street Barracks in Kowloon, where we were quartered until about the 30th of December, 1941. Lieut. McKillop died at Argyle Street Barracks about the 2nd of January, 1942, due largely I believe, to the lack of medical attention immediately after he was wounded at the shack. I did not see any of the wounded receive any medical attention whatsoever, although many of them had received very serious wounds.

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SWORN before me at the City of Winnipeg
in the Province of Manitoba, this 29th
day of January, 1946. Consisting of
seven pages, each signed by the Deponent }

W. A. HALL
(H.6047, L/Sgt. W.A. Hall)
Winnipeg Grenadiers, C.A.

C. H. JOHNSON
(A Notary Public in and for the
Province of Manitoba.)

CERTIFIED TRUE EXTRACT: *E. B. Watson*
Captain.

*Certified that this extract has been checked by the Cont. with
the original affidavit produced and found to be correct*

R. C. Lanning
100 Colonel
President

/NH

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00149

DEPOSITION

12 N
RCLCANADA
Province of Manitoba
To Wit

) In the Matter of Personnel held
) Prisoner of War by the Japanese and
) in the Matter of the Deposition of
) H.6402, Pte. Leslie George ADAMS,
) Winnipeg Grenadiers, C.A.

I, No. 6402, Pte. Leslie George ADAMS, a member of His Majesty's Canadian Army, make oath and say:

1. I am No. H.6402, Pte. Leslie George ADAMS; I reside at Ste.#4, Edwin Apartments, 390 River Avenue, in the City of Winnipeg, Province of Manitoba. I am a member of His Majesty's Canadian Army and at all times pertinent hereto a member of the Winnipeg Grenadiers, C.A.

2. I was taken prisoner of war on the 19th of December, 1941, at Mt. Butler with a section of "A" Company. I saw a group of Japanese soldiers who looked and acted like a bunch of savages, beyond L/Cpl. R.C. Land, Pte. B.W. Whalen and Pte. H. Omdachuk in cold blood while we were being stripped and searched for any valuables. After being stripped and searched I was taken along with the remainder of "A" Company and lined up against a wall. It appeared as though we were being lined up to be shot. We were made to hold our hands over our heads for over half an hour. There were several men whose names I do not now remember lowered their arms a bit and they were knocked out by being struck over the head with the butt of a rifle. The Japanese officer, who could speak a bit of English, came along when we were in this position. He had us lower our arms and gathered us together, marching us over to a small building which appeared like a garage. He crowded us all into this building where conditions were very crowded. This would be in the middle of afternoon. The boys were all crying and yelling for water. A Middlesex Sergeant, whose name I do not remember, was demanding water and was talking back to the Japanese sentry. He told the Japanese sentry that he was fighting for his King and Country and that is more than you can do. This Sergeant was taken out and was never seen afterwards. On several occasions throughout the night when the boys were yelling for water the sentry came to the door, pointed the rifle at them and hollered at them in Japanese. We took from that, that we had better be quiet or else.

3. On the 20th of December, 1941, about the break of day, a mortar bomb hit the corner of this building that we were in. Pte. Bradley, L/Cpl. W.L. Starrett, of the Winnipeg Grenadiers, C.I. S.G. Agorbak also of the Winnipeg Grenadiers, two Hong Kong volunteers and several Imperials, were killed by this mortar bomb. Several others, whose names I do not now remember, were seriously wounded. The Mitchell brothers, who had both been wounded and received further injuries from this mortar bomb, were left at this small building along with Pte. Dori O'Neil, who had a bad wound in his side. The balance of us were tied up in groups of five with fine wire and marched down to North Point Camp. The Japanese promised us

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that they would look after these men that were left behind, along with several Imperials. I never did see any of these men after leaving there.

4. On our way down to North Point we met a group of Japanese soldiers going up into action. One of these soldiers slapped Pte. Fred Gard, who was in one of the groups ahead of me, knocking him over the cliff. It was just by the wire that he was saved from rolling into the canyon. He was badly stunned from his blow. Pte. Kilfoyle of the Winnipeg Grenadiers, started to cry as we were being marched down. The Japanese guards took him out of his group, knocked him ~~into~~ into the ditch and then shot him. Lieut. McKillop, who had been badly wounded in the legs and thighs, had not said anything about his wounds so that he could go down with us. Lieut. McKillop collapsed when we arrived at North Point. He died about a week later at Araya Camp.

SWORN before me at the City of Winnipeg
in the Province of Manitoba, this 31st
day of January, 1946. Consisting of three
pages, each signed by the Deponent.

L.G. ADAMS.
(H. 6402, Pte. Leslie G.
Adams) Winnipeg Grenadiers,
C.A.

F.J. KILLEN
(A Notary Public in and for the
Province of Manitoba).

CERTIFIED TRUE EXTRACT: *E.E. Doherty*

Captain.

*Certified that this extract has been checked by
me and with the original affidavit produced and found to be
correct*

R.C. Lanning
Lieutenant
President

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00151

DOMINION OF CANADA
PROVINCE OF NEW BRUNSWICK
COUNTY OF YORK

IN THE MATTER OF DEPORTATION
OF EX-P.O.W. RESTRICTED
FROM JAPANESE CONTROL

13

0

ACK

TO : IT:

I, No. M-6626 Grenadier Sidney Gordon RITTON of Sussex Military Hospital, Sussex, N.B. formerly a member of the Winnipeg Grenadiers, a soldier in the Canadian Army (Active) make oath and say:-

(1) That I was taken a prisoner of war of the Japanese Army on the 19th day of Dec 41 and was sent to North Point Prison Camp and remained there approximately nine (9) months. From there I was sent to Camp Shomshipo where I remained until my liberation in September 1945.

(2) On the 19th day of Dec 41 the day on which I was captured, about four o'clock in the afternoon, myself and some other fellows with me including Sgt. Pugsley, Gordon Bell, Roy Land (deceased), Samuel Grabenack?? of the Winnipeg Grenadiers were tied together with a rope with our hands tied behind our back and we were placed in a small hut. As far as I can understand the Japs had planned to kill us when a German officer came to the door and told the Japanese guard to give us a chance whereupon the Japs gave us a beating, hitting us about the head and body with shovels, sticks, rifle butt and anything they could get their hands on. After we were given a beating we were made to march down the road. One fellow by the name of "Kilfoil"?? felt pain near his heart and he told the Japs guard he had something wrong and couldn't walk any further. The Japs took him out of the ranks and we didn't see nor hear anything more of this fellow. I do not know the names or descriptions of the Japs who committed these atrocities on me and the other fellows then we were first taken prisoners of war in 1941.

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Signature: SIDNEY GORDON REYNOLDS.

(Rank)

This deposition, consisting of two pages,
 Sworn before me at Sussex, N.B.,
 in the Province of New Brunswick,
 this 12th day of January, 1946.

J.C. VAUGHAN
 (J.C. Vaughan) Capt.
 Commissioner for taking affidavits
 to be read in the
 Supreme Court of New Brunswick.

CERTIFIED TRUE EXTRACT: *S.S. Gordon*
 Captain.

*Certified that this extract has been checked by the
 Court with the original affidavit produced and found to be correct*

R. L. Lanning
1000
President

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00153

EXTRA FROM AFFIDAVIT OF: Cpl. Sydney Miscox.

P
RCLDEPOSITIONCANADA
Province of Manitoba,
To wit:(In the matter of personnel held
(Prisoner of War by the Japanese and
(in the matter of the Deposition of
(H.6589, Cpl. Sydney Miscox, Winnipeg
(Grenadiers, C. A.

I, No. H.6589, Cpl. Sydney Miscox, a member of His Majesty's Canadian Army, make oath and say:

1. I am No. H.6589, Cpl. Sydney Miscox. I reside at 192 Lenore Street, in the City of Winnipeg, Province of Manitoba. I am a member of His Majesty's Canadian Army and at all times pertinent hereto a member of the Winnipeg Grenadiers, C.A.

I was serving with Headquarters Company, Winnipeg Grenadiers in the vicinity of Wong Hei Chong, Hon. Kong, when taken prisoner on December 18th, 1941. On the morning of 18th of December 1941, my platoon was in action at Jardines Lookout and it became necessary to withdraw in the direction of Wong Hei Chong Gap, which was about one thousand yards south to the rear. At the time of withdrawal, I had about fourteen men in my platoon, but when we reached the Gap, there were only five of us left, the others becoming casualties. When we reached the Gap we were ambushed by the Japanese and taken prisoner. The Japanese at this time were searching some small buildings or shelters in this vicinity and found about a dozen Hong Kong Volunteer Defence Corps personnel in one of the shelters. Together with about three Imperials, we were taken prisoner along with the Hong Kong Volunteers; we were grouped together on the road in the immediate vicinity. While standing on this road about nine of the Japanese soldiers who belonged to the Unit that had taken us prisoners, bayoneted to death all the Hong Kong Volunteer Defence Corps personnel and the three Imperials, and also bayoneted Pte. Marcel E. Robidoux, of the Winnipeg Grenadiers. Pte. Robidoux was bayoneted in the back but fortunately this bayoneting did not kill him. As I went forward to assist him and while I was stooping over I received a blow over the head with a bayonet. The three Imperials who were bayoneted were Privates of the Middlesex Regiment. I did not know the names of any of the Imperials or the Hong Kong Volunteer Defence Corps personnel. These latter were mostly Portuguese, with a few Chinamen. This bayoneting took place in the presence or near the concurrence of the Japanese Sergeant. There was no Japanese Officer present in the immediate vicinity of the bayoneting, but at about the time Robidoux was bayoneted and I was hit over the head, a Japanese Lieutenant appeared on the scene and issued some orders in Japanese. There was no more bayoneting. I know of no reason why more of the Canadians were not bayoneted along with the others, other than we were just fortunate. It did not appear that the Japanese were deliberately bayoneting the others and passing by the Canadians. I am of the opinion that if this Lieutenant had not arrived at the time he did, the Canadians would have likewise been bayoneted. I believe the Japanese soldiers who did the bayoneting were from an Artillery Unit because their weapons were light artillery carried on pack horses. I did not see any machine guns. This Japanese Officer was dressed in a green uniform with a cape and wore a green cap with a gold star in the front. He also wore knee high puttees and carried a sword. He would be about 30 years of age, 5'4" tall and weighed approximately 160 lbs. He was clean shaven and very smart in appearance. He spoke English fluently. I subsequently learned. The Sergeant present at the bayoneting was short and stout, O. O. about 5' tall, and weighed approximately 160 lbs. At this time he had heavy dark trousers and was bare in need of a shirt.

3. About twenty minutes after the bayoneting the five Winnipeg Grenadiers were moved to a hut which had formerly been used as an incinerator. This hut was about one hundred yards away.

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The four other Winnipeg Grenadiers were: Privates L. Pool, R. Adams, Richard C. Wilson, Michael A. Dadd and Glen Pringle. Before being taken to the hut we were searched and our hands tied behind our backs. When we got to this hut we were put inside and shortly afterwards other groups of Prisoners of War were also put in the hut until the total number in the hut reached about ninety. This was a small hut and we were jammed in. On the following morning, December 1st, about 0400 hours, this hut was hit by one of our own mortar bombs, killing and wounding approximately forty or fifty. About 1100 hours, those of us who could walk were taken from the hut and marched to North Point Camp. There were between 40-50 in this group. The others were left behind in the hut. I do not know what became of the. Before being marched off, the prisoners were chained together by their wrists in groups of approximately ten, with their hands tied behind their backs. This march to North Point took us four or five hours - the distance being approximately ten miles, by air routes roads.

4. In the way to North Point, Pte. George Kilgyle, Winnipeg Grenadier, was bayoneted by one of the Japanese sentries and then rolled over the edge of the cliff. Pte. Kilgyle was the only one who has been bayoneted in the whole of the war and had been in the front line for a long time when he was killed. I was one of the men chained with Kilgyle, he being about third from the front and I was last in the chain. The two sentries who took us to Kilgyle's position along the road for about ten minutes when he collapsed again. This was the Japanese sentry who put him loose from the chain, bayoneted him and rolled him over the edge of the cliff. I saw Kilgyle for a moment as he went down the side of the cliff. I never saw Kilgyle again. This Japanese sentry was not one of the artillery sentries mentioned. I do not know what unit he belonged to. A Japanese General was in charge of this march. He arrived at North Point Camp about 1615 hours and remained there overnight. On the 1st of December, 1941, we were taken to Apple Street Camp, Kowloon, where we remained for about two weeks and were then taken to the North Point Camp.

S. ORL before me at the City of Winnipeg) Signed: S. HISCOCK.
in the Province of Manitoba, this 11th) (Lieut. Cpl. Sydney Hiscox)
day of April, 1946. Consisting of three)
pages, and signed by the Deponent.)

/s/ E. H. HITCHER.

A Notary Public in and for the
Province of Manitoba.

I certify that the above are true extracts from the original affidavit of Cpl. Sydney Hiscox, and that it contains all matter relevant to the "Local Atrocities Case".

S. H. HITCHER
Captain,
War Crimes Investigation Unit,
Hong Kong.

*Certified that this extract has been checked by the Court with
the original affidavit produced and found to be correct*

RC Lanning
1000
President

00155

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DEPOSITION

CANADA
Province of Manitoba
To Wit

) In the matter of personnel held
) Prisoner of War by the Japanese
) and in the matter of the Deposition
) of H-6544 Pte. Michael Haddad, Winni-
) peg Grenadiers, C.A.

I, No. H-6544 Pte. Michael Haddad, a member of
His Majesty's Canadian Army - do hereby say:

I am No. H-6544 Pte. Michael Haddad. I reside at
1322 Main Street in the City of Winnipeg in the Province
of Manitoba. I am a member of His Majesty's Canadian Army
and at all times pertinent hereto a member of the Winnipeg
Grenadiers, C.A.

1. I was taken P.O.W. on the 19th day of December 1941
at Hong Kong together with approximately ten other mem-
bers of the Winnipeg Grenadiers. Immediately upon being
taken prisoner our hands were tied behind our backs with
wire. We were placed in a building along with other per-
sons of the Winnipeg Grenadiers who were taken prisoners
at the same time. There were also British
Indian troops and Chinese Hong Kong Volunteers. All pri-
soners in this shack had their hands bound behind their
backs and were kept so shackled during the night of the
19th of December, 1941. In the early morning of the 20th
of December 1941 a mortar bomb from the defending positions
struck the building in which we were housed, killing approxi-
mately ten Grenadiers and wounding a large number of other
Grenadiers and British Indian troops. Among those of the
Grenadiers that were killed at this time were Lieut. E.
Mitchell and his brother Lieut. Mitchell, Ptes. O'Neil and
Starrat. After the destruction by a mortar bomb of this
building, which we were housed, we were moved to North Point.
I took a day to make the journey all during which time we
were not given any food or drink and our hands were kept
shackled. Amongst the Grenadiers taken prisoner with me
at this time were Jack Albert and Cpl. Hiscox. I never did
know who was in charge or in command of the Japanese troops
who took us prisoner or had us shackled and deprived us of
food and water. During the transfer to North Point camp
from Hong Kong, where we were taken prisoner, Pte. Jack Albert
was stabbed in the back with a bayonet by one of the Japanese
troops. Pte. Hiscox was struck over the head with a bayonet.
I was struck over the head with a steel helmet by one of the
Japanese guards. I did not know the names of any of the
Japanese involved and that I know is that they belonged to
the Japanese Gorilla Forces.

Sworn before me at the City of Winnipeg
in the Province of Manitoba, this 29th
day of November, 1945
consisting of three pages each signed
by the Deponent.

H.6544 Pte. M. Haddad
(H.6544 Pte. Michael HADDAD)
Winnipeg Grenadiers, C.A.

F.J. Killmer
(A Notary Public in and for the Province
of Manitoba)

CERTIFIED TRUE EXTRACT: *[Signature]* Capt.,
War Crimes Investigation Unit,
Hong Kong.

*Certified that this extract has been compared by the Court with
the original affidavit produced and found to be correct*
R.C. Lanning LC Colonel President

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DEPOSITION

Canada
Province of Manitoba,
To Wit.

In the matter of Person el held Prisoner
of War by the Japanese and in the matter
of the deposition of No. H.20808, Private
George KIPLING, Winnipeg Grenadiers, C.A.
attached to No. 10 District Depot, C.A.

I, No. H.20808, Private George KIPLING, of Fuller,
in the Province of Manitoba, a private in His Majesty's
Canadian Army, make oath and say:

I am No. H. 20808, Private George KIPLING, of Fuller,
in the Province of Manitoba, a member of His Majesty's
Canadian Army and at all times pertinent hereto on the
strength of the Winnipeg Grenadiers, C.A.

On the 19th day of December, 1941, I was taken prisoner
by the Japanese at Hong Kong. There were a number of us and
they wired our hands tightly behind our backs, stood in the
circulation. We were taken about three or four hundred yards
away to a small building, where we were crowded in so tightly
there was no place to sit or lie down. The wounded were in
with us. They could not get down properly and had to be sup-
ported in whatever way possible. We were in this building from
approximately four o'clock in the afternoon until early the
following morning, during which time the wounded had no atten-
tion and no food or water was supplied to anyone. Before we
were taken into this building I personally saw some of the wounded
bayoneted to death by the Japanese soldiers. I do not know any of
the Japanese soldiers involved nor do I know any of the names
of the Canadian or British soldiers who were killed this way.
This building that we were held in was under our own fire.
Three mortar bombs came over and one of them hit the building in
the centre, killing a few prisoners.

In the early morning of December 20th, 1941, we were taken
out and marched four abreast to North Point. Some of the wound-
ed who could not move were left in this hut. I never saw them
again. In the march to North Point each four of us were wired
together. The march was about five miles. Some of the wounded
could not make it. They were cut loose by the Japanese guards
and I was advised by some men at the rear of the column that
these wounded were bayoneted to death by the Japanese guards.
I personally did not see any of this. On the way to North
Point we were given a drink of water. We met Japanese troops
on the way and some of these troops deliberately aimed us on
the heads with their rifles.

Sworn before me at the City of
Winnipeg, in the Province of
Manitoba, this 29th day of
January, 1946, consisting of
5 pages each signed by the
Deponent.

GEORGE KIPLING

(H.20808, Pte. G. Kipling)
Winnipeg Grenadiers, C.A.

C.H. JOHNSON

A Notary Public in and For the Province of Manitoba.

CERTIFIED TRUE EXTRACT:

Capt.

*Certified that this extract has been checked by the Court with
the original affidavit produced and found to be correct*

R. L. Lanning

LC Colonel

President

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00157

S
17 RclDEPOSITIONCANADA
PROVINCE OF MANITOBA
To wit

) In the matter of personnel held
) Prisoner of War by the Japanese and
) in the matter of the Deposition of
) H.41863, Pte. Wallace Allan CHILDS,
) Winnipeg Grenadiers, C.A.

I, No. H.41863, Pte. Wallace Allan Childs, a member of
 His Majesty's Canadian Army, make oath and say:

1. I am No. H.41863, Pte. Wallace Allan Childs;
 I reside at Venlaw, Manitoba. I am a member of His
 Majesty's Canadian Army and at all times pertinent hereto
 a member of the Winnipeg Grenadiers, C.A.

2. I was taken Prisoner of War on Mount Butler,
 on the 19th of December, 1941, together with approximately
 sixty other members of the Winnipeg Grenadiers. We were
 taken down to a hut by the Japanese, which was not far from
 Mount Butler where we spent the night. I saw several
 prisoners get beaten at this hut including Pte. Gooch of
 the Winnipeg Grenadiers, but I could not identify the Japanese
 concerned or the Unit to which they belonged. The following
 morning the hut in which we spent the night was hit by two
 Mortar Bombs from our own Mortars which killed and wounded
 several of the prisoners. Shortly later we were taken out
 of the hut tied up and marched to North Point. Only those
 able to walk were permitted to proceed to North Point and I
 never saw again any of the men who were left behind. On the
 way to North Point I saw Pte. Kilfoyle bayoneted by one of
 the Japanese guards.

SWORN before me, at the City of Winnipeg)
 in the Province of Manitoba, this 22nd)
 day of February, 1946, Consisting of)
 two pages, each signed by the Deponent)

W.A. Childs
 (H.41863 Pte. W.A. Childs)
 Winnipeg Grenadiers, C.A.

C.H. JOHNSON
 (A Notary Public in and for
 the Province of Manitoba)

CERTIFIED TRUE EXTRACT:

Capt.

War Crimes Investigation Unit,
 HONG KONG.

*Certified that this extract has been checked by the Court
 with the original affidavit produced and found to be correct*

R.C. Lanning
10000
President

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CANADA
PROVINCE OF SASKATCHEWAN)
TO WIT:

18 R 727 Rct
I, H.6077 Cpl. Samuel Daniel
KRAVINCHUK, Winnipeg Grenadiers,
now on strength of Military District
No. 12, Canadian Army at Regina,
Saskatchewan, make oath and say:

1. I was a soldier on the strength of the Winnipeg Grenadiers at Hong Kong, attached to "A" Company. On the 19th December 1941 our Company was cut off from the rest of the Battalion and I was taken prisoner at about 1930 hours. About 130 prisoners, including British, Indian and Chinese troops, were crowded into an old Army hut approximately 16 feet by 22 feet, which had been used as a Battery Mess Hall. We were crowded in like sardines. About 0600^{hr}, the next morning mortar bombs landed on the hut and some of our men were killed and wounded. My Platoon Commander, Lieut. McKillop, was badly wounded in the back with a fragment of a mortar bomb. About 0800 hours we were moved out one by one, tied by the wrists with telephone wire; then tied in pairs and each pair tied together. We proceeded this way, in file, for about 300 yards. We left at least a dozen Canadian prisoners behind in the hut, including the two Mitchell brothers--both Lieutenants in the Winnipeg Grenadiers--and I have never seen any of these men again.
2. We were marched down to North Point Camp and of the 61 Canadians, 40 odd needed medical attention for wounds, but did not receive any medical attention until the 21st December when we arrived at Mary Knoll School at Kowloon. I had been tied up during this time and did not receive any food or water until I reached Mary Knoll School. The next morning, 22nd December, Pte. Bradbury, Winnipeg Grenadiers, and myself went out to try and get food and medical help for the wounded. I saw a civilian who had a swastika emblem on his coat lapel and I asked him in German if he spoke German. He told me he also spoke English and I explained we had wounded officers and men with us who needed medical attention. He called over a Japanese

F. J. H. H. H.
Major

S. D. Kravinchuk

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officer who sent for a medical officer. As a result of their discussion a Japanese medical sergeant and three orderlies came with us and gave our wounded first aid. Fighting was still going on at this time at Hong Kong and there was no hospital available for our wounded. We were moved the same day to Argyle Prison Camp.

3. On the 20th December on the way down to North Point Camp, Pte. Kilfoyle of the Winnipeg Grenadiers was left beside the road as he could not go any further. I never saw him again and it was generally accepted that he had been killed by the Japanese when he fell out of the march.

4. On the 27th December 1941 we arrived at Sham Shui Po Camp where we were put to work under the command of Major Marsh, Middlesex Regiment, cleaning up the camp for the rest of the Battalion, who arrived on the 31st December. Not
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5. I remained at Sham Shui Po Camp until the 24th January, when we were transferred to North Point Camp. We stayed at North Point Camp until the 26th ~~February~~ ^{SEPTEMBER} 1942, when we returned to Sham Shui Po. I was admitted to the Bowen Road Hospital the 26th November 1942 and remained there until November 14th, 1944, when I returned to Sham Shui Po Camp. SK
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I was at Sham Shui Po Camp from November 1944 until liberation.

6. At North Point Camp Col. Toganaga was in charge of all prison camps and hospitals in the Hong Kong area. Lieut. Wadda was Camp Commandant at North Point. The Japanese civilian interpreter under Lieut. Wadda was called "Guchi".

7. On the 20th August 1942 at North Point Camp, Sgt. Payne, L/Cpl. Brezinski, Pte. Pete Ellice and Pte. A. L. Adams, all of the Winnipeg Grenadiers, escaped. As a result of this escape a parade was called on the 22nd August 1942 at 2000 hours. It was raining that night and we were kept on parade until 0400 hours the next morning. I was suffering from beriberi at the time and excused parades, but, Col. Toganaga

*J. J. Clark
Major*

S. H. Hainchuk

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ordered everybody in camp out on this parade and I was forced to stay out on this parade until 0400 hours. The following Sunday another parade was called at 0125 hours and we were kept on this parade until 0600 hours the following morning, when they arrested CSM Breakwell, CSM Adams and CSM Logan, all of the Winnipeg Grenadiers. These N.C.O's were kept in confinement for a week and at this time CSM Logan was suffering from dysentery. It was considered that these N.C.O's were punished and the two parades were called as reprisals for the escape of the above-mentioned soldiers.

8. At North Point Camp and Sham Shui Po Camp in 1942 I was forced to work on the Kai Tak Airport, moving dirt, carrying rocks, mixing concrete and cutting grass. During this time I was slapped and beaten several times. On one occasion Pte. H. Robinson of the Winnipeg Grenadiers, who later died of dysentery, and I were beaten by a Japanese Lieutenant who was the Engineer Officer in charge of work on the runways at the Kai Tak Airport. I can't remember this officer's name. I was not beaten badly but was kicked and had several bruises as a result.

9. On the 5th October 1942 I went into quarantine at Sham Shui Po Camp as a diphtheria carrier. I developed diphtheria and went to the British hospital at Sham Shui Po. Major Ashton-Rose was in charge of this hospital and he was a Medical Officer of the British Indian Army. I was transferred to Bowen Road Hospital on the 26th November, suffering from "electric feet" and ulcers on my right eye. I also was suffering from pellagra. I was a bed patient there from November 1942 until March 1943.

10. Conditions at Bowen Road Hospital were much better than at the hospitals at Sham Shui Po. The Chinese Red Cross sent in food. Our rations varied from month to month as some pilfering went on by the Japanese ration N.C.O. and Sgt. Sano.

F. J. Clarke
Major

L. A. Kravinsky

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Sgt. Sano was 2 i/c to Capt. Saito, a Japanese Medical Officer who supervised Bowen Road Hospital. I saw Sgt. Sano helping himself to the Chinese Red Cross food supplies coming into the Hospital. He put this food into his car and took it to his house.

11. One of the Japanese civilian interpreters at Bowen Road Hospital was K. Watanabe. This man was a Christian and had been a Christian Minister in Japan before the war. He went out of his way to help us on many occasions and he was responsible for furnishing the names of very sick patients to the Chinese Local Red Cross, who sent in individual parcels to these patients. Watanabe was also responsible for passing messages from the Hospital staff to Stanley Prison and brought us in newspapers and news from the outside. In April 1945 Watanabe was moved from Bowen Road Hospital and he told me afterwards he was imprisoned on orders from Col. Toganaga for two weeks for being friendly with the prisoners.

12. On the 20th September 1943 at Bowen Road Hospital I witnessed the beating of Pte. McGee of the Winnipeg Grenadiers by a guard nicknamed "Slap-Happy". McGee was quite badly beaten by this guard.

13. On the 16th October 1943 Major Harrison, a British Medical Officer, was struck over the head with a rifle butt by a Japanese sentry who was the corporal of the guard. He was also nicknamed "Slap-Happy" but was not the same guard who beat up Pte. McGee. I witnessed this incident.

14. During the winter of 1943-44, at Bowen Road Hospital, Pte. Corbett, Winnipeg Grenadiers, was a patient in the Hospital. He was suffering from pellagra and could hardly see. He was standing in the doorway of the shoe shop--I was inside this shop--when Col. Toganaga, Capt. Saito and Sgt. Sano drove passed. Corbett did not recognize them and Sgt. Sano jumped out of the car and came back to the shop. He struck Corbett

F. J. Clarke
Major

S. J. Fairweather

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with his fists, knocked him down and kicked him. Corbett was badly beaten and was in bed for three days after this beating. A formal complaint was made by Lt.-Col. Bowie, Officer Commanding the Hospital, but no action was taken.

15. Sometime during the winter of 1943-44, at Bowen Road Hospital, Pte. Murray of the Winnipeg Grenadiers, Rfn. Archibald of the Royal Rifles of Canada, and Pte. Taylor of the R.A.M.C., were beaten and tortured as a result of some mix-up over the theft of jewelry or watches. I did not witness these beatings but the whole Hospital could hear their screams and I saw Rfn. Archibald afterwards. Archibald told me that the Japanese guards tied his wrists behind him and hung him up on the wall. Archibald told me Capt. Saito and Sgt. Sano had beaten him with leather belts while he was hanging on the wall; and his body was badly bruised around the chest. The three prisoners mentioned above were sent to Japan afterwards and I understand they were imprisoned there.

16. I returned to Sham Shui Po Camp in November 1944. I was sent out on working parties and we were forced to dig defensive works which consisted of gun emplacements and tunnels. We were also employed at loading and unloading ammunition, aerial bombs, oil and gas drums. During this time air raids were numerous but no provision was made for air raid shelters where we worked.

17. My weight at the time of capture was 187 lbs. This was reduced to 108 lbs and when I was liberated I weighed 137 lbs.

18. As a result of malnutrition and sickness while a prisoner of war my eyesight has been seriously affected. I can only read with a magnifying glass at the present time.

19. In February 1945, while on a working party at Happy Valley Race Course, Hong Kong Island, a Japanese interpreter for Col. Toganaga was in charge of our work party.

*W.D. Clarke
Major*

S.D. Leavitch

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He allotted a certain amount of work each day. We were digging up the race course for a garden and this Japanese interpreter, who was called Namura, would make us do the digging by numbers. If he wasn't satisfied with our work he would beat the prisoners with a bamboo cane. He was nicknamed "The Happy Valley Cowboy."

MC
MCH
RCH

20. Annexed hereto and marked as Exhibit "A" to this, my affidavit, is a photo. I identify the central figure of the three Japanese sitting together in this photograph, marked with the letter "X" as Namura, the Japanese interpreter to Col. Toganaga, mentioned in paragraph 19 of this, my affidavit.

21. The statements above, including dates and names, are made after referring to a diary which I kept while a prisoner of war. This diary is written mostly in the Ukrainian language in such a manner as to make it useless to anyone except myself.

22. I have carefully read the foregoing affidavit and declare same to be true to the best of my knowledge, information and belief.

Sworn before me at the City
of Regina in the Province of
Saskatchewan, this 19th day
of January, A.D., 1946.

L.D. Kravichuk

F.T. Clarke

(F.T. Clarke), Major
An Officer of the Canadian Army
on Active Service.

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19

EXTRACT FROM AN OATH OF: L/Cpl. GORDON EDWARD WILLIAMSON.

DEPOSITION

CANADA
PROVINCE OF MANITOBA
TO WIT:

(In the matter of personnel and
(Prisoner of War by the Japanese and
(in the matter of the Deposition of
(H.6436 L/Cpl. GORDON EDWARD WILLIAMSON,
(Winnipeg Grenadiers, C.A.

I, No. H-6436, L/Cpl. Gordon Edward WILLIAMSON, a member of His Majesty's Canadian Army, make oath and say:

1. I am No. H-6436, L/Cpl. Gordon Edward WILLIAMSON. I reside at Suite 3, Rio Apartments, 544 1/2 Ellice Avenue, in the City of Winnipeg, in the Province of Manitoba. I am a member of His Majesty's Canadian Army, and at all times pertinent hereto a member of the Winnipeg Grenadiers, C.A.

2. I was attached to and serving with Brigade Headquarters as a cook at Wong-Nai-Chong Gap, Hong Kong, when taken prisoner on 22nd December, 1941. Following the surrender we were taken out to a place called Sir Cecil's Ride, about three hundred yards away, where our hands were tied behind our backs and we were searched. We were kept here until the afternoon and then we were marched away and taken to North Point Camp, arriving there about 2200 hours the same night. Before the march to North Point Camp the prisoners were tied together in groups of three, and on the way to North Point Camp I saw a Sergeant of the Middlesex Regiment bayoneted by one of the Japanese sentries. I do not know the name of this Sergeant but the circumstances were as follows: The Sergeant was one of a group of three with his hands tied behind his back and a wire running from his hands over his back, across in front of his throat and down his back to his hands. This meant that in the Sergeant lowered his hands to a comfortable position the wire across his throat became very tight and would interfere with his breathing. This is apparently what happened as the Sergeant became exhausted and collapsed. He was then cut loose from the other two prisoners and dragged to the side of the road where this Japanese escort bayoneted him in the back. I was not more than six or seven feet away at the time and could see exactly what took place. This was a full bayonet jab and penetrated the Sergeant in the small of the back. I recall the Sergeant was wearing a great coat at the time and was in great distress. He was choking. This was prior to being bayoneted. It all happened just as I was passing the spot where he was bayoneted. I do not know what became of the Sergeant. I never saw him again. I do not know the name of the Japanese guard. He was one of about eight. There were others of the Middlesex Regiment in this party of prisoners. On this same march I also recall seeing a Chinaman with his hands tied behind his back and a wire noose around his neck. His hands were tied high up on his back and the lead from the noose to the hands short, which meant that if he lowered his hands he would choke himself. This Chinaman was a civilian. He finally became exhausted and collapsed. He was cut loose from the others and left on the side of the road. At the time I saw him lying on the side of the road his eyes were beginning to pop out and he was turning black and blue in the face. I did not see him further.

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- 2 -

3. Immediately following our surrender only those who could walk were taken out with the exception of Lieut. Col. Walker, R.E., who was carried out on a stretcher. Those who could not get out were left behind, and I recall that L/Cpl. Boyd, Pte. Swanson and Pte. Dowsell were three of those left behind due to severe wounds. When we got to Sir Cecil's Ride I asked a Japanese guard through an Indian who acted as interpreter, if we could go back and bring out the wounded. The Japanese guard just laughed and indicated to me that the wounded had been put to death. He did this by drawing his hand, fingers extended, across his throat, indicating that their throats had been cut, and also with his rifle made jabs, indicating that they had been bayoneted. I cannot say what actually happened to those who were left behind because I never saw or heard of them again.

*Deleted
as
unreliable
and not
used
RCH*

4. On the way to North Point we passed through the outskirts of Victoria, where I saw about eight or nine decapitated St. John's Ambulance personnel. Some of these bodies were still in kneeling position with hands tied behind their backs. They were dressed in the St. John's uniform and the St. John's hats were lying on the ground.

*Not relevant by the Court
not used RCH.*

SW RN before me at the City of
Winnipeg, in the Province of
Manitoba, this 2nd day of
March, 1946, consisting of
three pages each signed by the
Deponent.

G.E. WILLIAMSON.
(H-6436, L/Cpl. Gordon Edward
WILLIAMSON, Winnipeg Grenadiers, C.A.)

W.H. AUGUST
A Notary Public in and for the
Province of Manitoba.

I certify that the above are true extracts from
the original affidavit of:- GORDON EDWARD WILLIAMSON,
and that it contains all matters relating to the
"1941 Atrocities Case".

[Signature] Captain,
War Crimes Investigation Unit,
JOG ROY.

*Certified that this extract has been checked by the
Court with the original affidavit produced and found to be correct.*

R. Lanning
Lt Colonel
President

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Ser. No. 5.

STATEMENT MADE BY CAPTAIN R.W. PHILIP, W.G.'s

We surrendered about 7.00 a.m. on the morning of 22nd Dec. 1941, having run out of ammunition. The combatant Japanese troops to whom we surrendered treated us very reasonably in the circumstances. All the troops were tied together and left until dusk of 22nd at which time we were turned over to second line troops, who proceeded to maltreat the troops, adding wire to tighten their bonds (included many wounded).

Ser. No. 5. 87.1.1015 I

Capt. R.W. Philip, W.G.'s

We surrendered about 7.00 a.m. on the morning of 22nd Dec 1941, having run out of ammunition.

The treatment by combatant Japanese troops to whom we surrendered treated us very reasonably in the circumstances. All the troops were tied together and left until dusk of 22nd at which time we were turned over to second line troops, who proceeded to maltreat the troops, adding wire to tighten their bonds (included many wounded).

They moved us all to a position at Jardine's lookout from Waingichong, any men who was unable to continue were bayoneted. Later all the men were forced to kneel down their shoes were removed, they were searched & everything they had taken from them. Everyone was lined up against a cut bank on the road & the Japanese with light automatic rifles made all preparations as if they

line's lookout continue was down their cut-bank on a rifle as all. through.

rough and wounded or not.

The hills morning. Our some of the

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Ser. No. 5.

[illegible]

were going to shoot us all. On two other occasions the same procedure was gone through. It was evidently used as a form of mental torture.

all ~~this time~~ during this march
there was constant rough usage of troops
killing with rifle butts, kicking & clapping
regardless of whether the victims were
wounded or not.

We were marched to North Point through the hills barefoot where we arrived between 3rd & 4 in the morning. Our feet were so badly cut up by the rough going that some of the men had to be carried.

Robt Philip Capri
W L 15

[illegible]

00 168

Ser. No. 5.

STATE ENT MADE BY CAPTAIN R.W. PHILIP, W.G.'s

We surrendered about 7.00 a.m. on the morning of 22nd December 1941, having run out of ammunition. The combatant Japanese troops to whom we surrendered treated us very reasonably in the circumstances. All the troops were tied together and left until dusk of 22nd at which time we were turned over to second line troops, who proceeded to maltreat the troops, adding wire to tighten their bonds (included many wounded).

They moved us all to a position at Jardine's lookout from Wong Keiff Chong, any man who was unable to continue was bayoneted. Later all the men were forced to kneel down their shoes were removed, they were searched and everything they had taken from them. Everyone was lined up against a cut-bank on the road and the Japanese with light automatics and rifles made all preparations as if they were going to shoot us all. On two other occasions the same procedure was gone through. It was evidently used as a form of mental torture.

All during this march there was constant rough usage of troops, hitting with rifle butts, kicking and clapping regardless of whether the victims were wounded or not.

We were marched to North Point through the hills barefoot where we arrived between 3 and 4 in the morning. Our feet were so badly cut up by the rough going that some of the men had to be carried.

(Sgd). R.W. PHILIP.
Captain.

W.G.'s.

CERTIFIED TRUE COPY:

E.B. Watson
Captain.

to shoot us all. On two occasions the same procedure was gone through. It was evidently used as a form of mental torture.

At times during this march constant rough usage of troops with rifle butts, kicking and clapping of whether the victims were wounded or not.

We marched to North Point through the hills barefoot where we arrived between 3 and 4 in the morning. Our feet were so badly cut up by the rough going that some of the men had to be carried.

R.W. Philip
W.G.'s

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CANADA
PROVINCE OF SASKATCHEWAN
TO WIT:

I, 113472 L/Cpl. Paul Emil Mondor, ^{V. 102}
Winnipeg Grenadiers, now on strength
of R.D. 1st Canadian Army at Regina
Saskatchewan, make oath and say:

1. I was on the strength of the Winnipeg Grenadiers stationed at one of our positions were over-run by the Japanese at Wong Nei Chong Gap, which was near the Japanese Headquarters. We were taken from there to North Point Camp, arriving the following day and remained there for about two days.

2. There were about thirty-seven to forty-seven of us captured at the same time. The only wounded men with us were Lt. Col. Walker and Lieut. Blackwood. There were about nine or ten others left behind who had all received first aid care and did not appear to be very seriously wounded although they were unable to walk. One of these men was Pte. Baron of the Winnipeg Grenadiers. I have never seen or heard of any of them since.

3. The march to North Point Camp was a distance of about six miles over gravel and stones. After we had gone a distance of about one mile we were compelled to remove our boots which were taken by the Japanese soldiers. All valuables such as money, rings, watches, fountain pens, etc. were taken by the Japanese guards with the exception of what some were able to conceal. I lost a watch, money and two rings for which I have put in a claim for \$400.00. No receipts were given and I have never seen or heard of them since. When we reached North Point Camp my feet were badly bruised and very sore. The others complained of similar trouble. During the march we were tied together by the wrists with bay wire including walking wounded of whom Lieut. Blackwood was one. The wire was tied so tightly that my hands were numb for two or three weeks. I heard many others say that they had the same experience.

4. We had had no food since 19 Dec 44. When we arrived at North Point Camp we were given about two handful of rice per man together with water taken from a creek which was mixed with the blood of dead horses and human bodies that were lying in the creek.

5. On the march from the place of capture to North Point Camp one of the prisoners, a British soldier of the Middlesex Regt., whose name I do not know fainted. He was untied, thrown into a ditch and bayoneted by the Japanese guards. Afterwards I heard him call for help but I never saw or heard of him again.

Sworn before me at the City of)
Regina in the Province of Saskat-)
chewan this 5th day of December,)
A.D. 1945.) Signed P.E. Mondor.

? ?
A commissioner of oaths in and for
the Province of Saskatchewan a soli-
citor of the court of King's Bench.

CERTIFIED TRUE EXTRACT: ¹⁰²
Capt. ¹⁰²
War Crimes Investigation Unit,
HONG KONG.

*Certified that this extract has been checked by the Court
with the original affidavit produced and found to be correct*

R.C. Lanning
Lt. Colonel
President

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RCX

I, Captain S. G. [redacted], certify that I have now duly warned
the accused [redacted] in the following terms :-

"Do you wish to make any statement or to give
evidence on oath? You are not obliged to say
anything or give evidence unless you wish to do
so, but whatever you say or any evidence you
give will be taken down in writing, and may be
given in evidence." R.P. 4 (a).

The accused [redacted] states that he wishes to make
an unsworn statement.

Signature *S. G. [redacted]*

Rank *Sgt.*

(NAME IN BLOCK LETTERS) S. G. [redacted]

Date: *12-11-41*

I, [redacted], having been duly warned that I am not
obliged to make a statement, but that whatever I say will be
taken down and may be used in evidence, wish to state volun-
tarily as follows :-

I am 37 years of age, of JAPANESE Nationality,
and born at MIYAGI-KEN, JAPAN.

My permanent home is No. 5 BANCHO-CHO, 100 KUMI CITY.

I am at present detained at Stanley Gaol.

On two occasions, about the 14th or 15th of December
1941, a staff officer was sent across to [redacted] Island from
Howden calling on the Governor to surrender in order to save
the loss of life that would follow a general attack. The
surrender was refused and a landing on the island was decided
on, operations to commence at 2130 hours, Dec 14th. The
landing was made by the 22nd (Col. Neil), 22nd (Col. [redacted]),
and 22nd (Col. Hoji) regiments of the 5th Infantry Unit of
the 2nd Division.

The 22nd Regt. commenced landing operations at about
2130 hours, Dec. 14th.

I landed at a point about 500 yards east of [redacted]
point and I remained [redacted] minutes. The Div. H.Q.
was to be established in the vicinity of the [redacted] beach.

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On arrival, a party for reconnaissance purposes under a float. Who was sent ahead.

I proceeded south to the North Point Reservoir, arriving at about 0100 hours, Dec. 19th. At this point I was out of touch with all other units and owing to a heavy barrage passing over-head from the direction of Victoria Peak and Stanley, was compelled to advance and moving off at about 0240 hours, went south towards Wong Nei Chong Gap.

At about 0300 hours, we came up with the remnants of the reconnaissance party, who informed me that Lt. Wano was dead and that the pill boxes ahead were manned by Indian troops. It was then decided that a detour would have to be made, the main forces passing to the right of the pill boxes and No. 2 Battalion to go to the left and clear out the pill boxes round Jardine's Look-Out and then to make a rendezvous at the Wong Nei Chong Gap. This operation was successfully carried out, commencing at 0800 hours on the 19th. The rendezvous was made at 0800 hours Dec. 19th. At 0815 hours, a few isolated units on Jardine's Look-Out opened up on the No. 2 Batt. and a party was sent out and the firing soon ceased, the Indian troops retreating.

On arrival at Wong Nei Chong Gap, we were subjected to heavy fire from an artillery battery stationed (north) of the Happy Valley Race Course. This firing went on intermittently from about 0815 hours on Dec. 19th to the morning of the 21st, we sustained severe losses from this barrage.

During the fighting at Wong Nei Chong Gap, I was still out of touch with Div. H.Q. and at 1900 hours Dec. 19th, I sent Lt. Ito (Intelligence) to try and contact the 25th Regt. (Col. Doi) who should have been to the front of our lines.

At 1900 hours Dec. 19th, Ito returned and reported that he had contacted the 25th, that their commander was in command and was waiting and that they would advance immediately after, as the time was ripe, for which I needed Ito. Ito also reported that the main body of the 25th,

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(Col. Doi) had met such heavy opposition both from artillery and an attack by the British troops that he had been unable to get through to Long Moi Giang Gap, and had however, passed round ~~Mount Station~~ ~~800~~.

Several groups (about ten men in each) had passed along from the West across my lines about day break on the morning of Dec. 20th, but the remainder of the regiment did not appear.

On the afternoon of Dec. 20th, I sent the Regimental Adjutant, Capt. Sekiya to contact ^{Major Gen. Ito, C.O.C. 38th Inf. Unit and} the 220th (Col. Doi). At about 1900 hours, Dec. 20th, a Div. Staff Officer arrived and stated that the 220th and 220th had landed on the Island, but after a time, contact was lost and still could not be made with the 220th. Div. H.Q. had been informed that my regiment (230th) had been annihilated and he had been sent through to report on the position. He informed me that owing to my rear being exposed Div. H.Q. had sent reserves across the rear and I was to prepare an attack on Leighton Hill and then established there to relieve the reserve troops. I pointed out that I had sustained about 500 casualties and that my ammunition and food was low and there were no medical supplies. Capt. Sekiya returned at about 2100 hours on Dec. 20th, and reported that he had made contact with the 30th Infantry Unit (Major Gen. Ito) and the 220th (Col. Doi) and the 220th was about to advance on Mount Nicholson, on my right flank, passing by Long Moi Giang Gap, and that I was expected to be ready to assist in the attack. On the afternoon of Dec. 21st, I was informed that the attack on Leighton Hill had been cancelled for my troops.

From the night of Dec. 21st, ^{to the morning of Dec. 22nd} I was assisted by troops ^{and} from the 220th (Col. Doi), until the date of the surrender by the enemy which took place about 1500 hours on Dec. 23rd, I was assisted by units of Engineers and Artillery. The above statement has been read over to me by an interpreter and is true and correct as I have stated, and I now voluntarily append my signature thereto.

Signed at Stanley Pool. This 21st day of November, 1945.

Signature T. A. Itoji.....

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I, . . . A. RIGOD . . . make oath and say that I truly and correctly translated to the accused, JINGI TONKUN, the words of the above caution and that he thereupon elected to make an answer statement and that he then made a statement which I truly and correctly translated in English, and saw taken down by Capt. E. C. . . . I read over the whole of the above statement to the accused in the JAVANES language and he acknowledged it as correct and has now duly signed it in my presence and in the presence of Capt. E. C. . . . I certify that no indecent threat or promise was held out to the accused and that he made the above statement entirely voluntarily.

Signed this . . . 15TH . . . day of November, 1943.

Signature . . . [Signature] . . .
(NAME IN BLOCK LETTERS) A. RIGOD . . .

Sworn before me (signature) [Signature] . . . Rank. Capt.

Description: War Crimes Investigation Team, Hong Kong.

This . . . 15TH . . . day of November, 1943.

An Officer detailed to examine the above by the Commander-in-Chief Allied Land Forces, South East Asia.

(Authy: AFMHA War Crimes Instruction No. 1, 2nd Edition, para 19a.

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24 Y_{RET}

I, Captain E. E. Watson, certify that I have now duly warned the accused, Shoji Yoshikage, in the following terms: -

"Do you wish to make any statement or to give evidence on oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing, and may be given in evidence" R.P. 4(E).

The accused Shoji Yoshikage states he wishes to make a sworn statement.

E. E. Watson Capt.
(E. E. WATSON)
25-11-45

I, Shoji Yoshikage, having been duly warned that I am not obliged to make a statement, but that whatever I say will be taken down and may be used in evidence, wish to state voluntarily as follows: -

I am 57 years of age, of Japanese Nationality, and born at MIYAGI-KEN, JAPAN.

My permanent home is No. 5 Bancho Ku, 169 Sentai City.

I am at present detained at Stanley Gaol, Hong Kong.

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I
The references made in my written statement to points (a) to (h) are those marked on a map shown to me and which were made by Interpreter Tsubuda on my instructions. The blue pencil lines were put in by me. This map is now produced to me and marked "EXHIBIT A" to which I now attach my signature. In my written statement I have mentioned a "5-road junction at Wong Hei Chong Road", this is point (L) on this map.

The route assigned to me was to get to the city of Victoria via Wong Hei Chong Gap and Mount Nicholson.

Reference Para. 20 in my signed statement, the "fox-hole" which I occupied on 19th and 20th Dec. 1941 was situated near Point (L) and is now marked by me in blue ink (L.1).

On the 21st Dec. 1941 I moved to another "fox-hole" nearby, now marked by me (L.2).

Reference Para 32 in my signed statement, the dead body of the Canadian General Officer was found at point (L.3) marked in blue ink, this appeared, from the presence of maps, etc., to be the Canadian H.Q. which was captured by the OKADA platoon of the 3rd Batt, 230th Regt. On my way to inspect the body of the dead Canadian officer I passed a garage on the walls of which an inscription in Japanese was

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found it. ^{II}
~~found~~ confirming that this particular place
 had been captured by the OKADA platoon.

Reference Para. 13. - at 1240 hours on 19th Dec. 1941
 a platoon of the Tanaka Butai was seen on the
 road marked in blue ink (L.4). After the
 conversation which I had with this platoon's
 commander the platoon left the area in an
 unknown ^{direction, etc.} ~~connection~~

Signed T. Shoji

In the presence of S. G. Cotton.
 Sd/lt.
 25.11.46

The only prisoners ^{about 37} captured in Wong Nei Chong Gap
 were taken by the Shoji Butai, ^{and} before these prisoners
 were moved off to the Div. H.Q. I cautioned the escort:-

1. Any cases needing attention to be taken to hospital,
 serious cases to have first consideration and
 prisoners were not to be ill-treated.
2. A guard to be placed at head and rear of column.
3. Prisoners to be handed over only to Div. H.Q.
4. A receipt to be obtained for the prisoners.
5. These instructions were repeated to the prisoners.

By me in person. After the fighting I visited
 a hospital where one of the prisoners was detained
 and he a major, said he had been ^{well}
 the above mentioned prisoners were captured

at the Canadian H.Q. (Postal (L.3)) and at my
 "base hole" (L.1). No other prisoners were taken.

Prior to opening of campaign orders were issued
 to me and repeated by me to my officers that

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prisoners were to be handed over to the Intelligence Branch at H.Q. and I was to be informed of prisoners taken before they ^{could be 21st} handed over.

I cautioned my officers, in respect to prisoners, that they must respect International Law.

When the prisoners were marched off they were not tied, their trouser belts were removed and they had to hold these garments up as they marched.

During the whole of the fighting in the Dong Thai Strong Gap, I never lost contact with any of my units.

On the night of Dec. 23rd 1941 I moved ^{T. Shoji} off down the main road towards the Dong Thai Strong Valley. The Wakamatsu Batt: ^{left on Dec. 22nd and} took a small road below a small path running parallel to the main road, ~~and~~ contact was made with the

Wakamatsu Batt: at the Dong Thai Strong and Stubbs Road junction.

Signed at Stanley Gap this 25th day of December 1941. Signed T. Shoji

In the presence of Capt. E.E. Walker Sworn before me

Signed by Japanese interpreter ^{Robert} K. HARRISON
W.O.N.

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CERTIFICATE OF INTERPRETER

I, Sgt/Maj. A.R. HAMIDON, make oath and say that I truly and correctly translated to the accused, SHOJI Toshishige, the words

of the above caution and that he thereupon elected to make a sworn statement, that he was duly sworn and that he then made a statement which I truly and correctly translated in English and saw taken down by Capt. E. C. WATSON, I read over the whole of the above statement to the accused in the JAPANESE language and he acknowledged it as correct and has now duly signed it in my presence and in the presence of Capt. E. C. WATSON, I certify that no inducement threat or promise was held out to the accused and that he made the above statement entirely voluntarily.

Signed this . . . 25th . . . day of . . . November . . . 1946.

Signed: *A. R. Hamidon*

(NAME IN BLOCK LETTERS) A. R. HAMIDON, S/M

SWORN before me

Signature . *E. C. Watson* . . . Capt.
WAR CRIMES INVESTIGATION UNIT,
HONG KONG.

This . . . 25th . . . day of . . . November . . . 1946.

An officer detailed to examine the above by the Commander-in-Chief, Allied Land Forces, South East Asia.

(Authy: ALPSEA War Crimes Instruction No. 1, 2nd Edition,
para 19(a))

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24 Yack

I, Capt. E.C. WATSON, certify that I have now duly warned the accused, SHOJI Toshishige, in the following terms:-

"Do you wish to make any statement or to give evidence on oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing, and may be given in evidence" .P. 4 (E).

The accused SHOJI Toshishige states he wishes to make a sworn statement.

Signed: E.C. WATSON.

(NAME IN BLOCK LETTERS) E.C. WATSON.

I, SHOJI Toshishige, having been duly warned that I am not obliged to make a statement but that whatever I say will be taken down and may be used in evidence, wish to state voluntarily as follows:-

I am 57 years of age, of JAPANESE Nationality, and born at MIYAGI-KEN, JAPAN. My permanent home is No. 5, BANCHO KU, 169 SENTAI CITY. I am at present detained at Stanley Gaol, Hong Kong.

The references made in my written statement, to points (A) to (M) are those marked on a map now shown to me and which were made by Interpreter Tsutada on my instructions.

The blue pencil lines were put in by me.

This map is now produced to me and marked Exhibit "A" to which I now append my signature.

In my written statement I have mentioned a "5-Road JUNCTION at WONG NEI CHONG ROAD", this is the point (L) on this map.

The route assigned to me was to get to the city of VICTORIA via WONG NEI CHONG and Mount NICHOLSON.

Reference Para 20. in my signed statement, the "foxhole" which I occupied on the 19th and 20th Dec 1941, was situated near point (L) and is now marked by me in blue ink (L.1.)

On the 21st Dec 1941, I moved to another "fox-hole" nearby, now marked by me (L.2)

Reference Para 32. in my signed statement, the dead body of the Canadian general officer was found at point (L.3) marked in blue ink, this appeared from the presence of maps, etc., to be the Canadian H.Q. which was captured by the OKADA platoon of the 3rd Batt. 230th Regt.

On my way to inspect the body of the dead Canadian officer, I passed a garage, on the walls of which an inscription in Japanese was found confirming that this particular place had been captured by the OKADA platoon.

Reference Para 13. at 1240 hours, on 19th Dec 1941, a platoon of the TANAKA Butai was seen on the road marked in blue ink (L.4)

After the conversation which I had with this platoon's Commander, the platoon left in an unknown direction.

The only prisoners, about 37, captured in WONG NEI CHONG GAP, were taken by the SHOJI Butai and before these prisoners were moved off to the Div. H.Q. I cautioned the escort:

1. Any cases needing attention to be taken to hospital, serious cases to have first consideration and prisoners were not to be ill-treated.
2. A guard to be placed at head and rear of column.
3. Prisoners to be handed over only to Div. H.Q.
4. Receipt to be obtained for the prisoners.

These instructions were repeated to the prisoners by me in person.

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After the fighting I visited a hospital where one of the prisoners was retained and he, a Major, said he had been well treated.

The above mentioned prisoners were captured at the Canadian H.Q. point (L.3) and at my "fox-hole" (L.1.) no other prisoners were taken.

Prior to the opening of the campaign orders were issued to me and repeated by me to my officers that all prisoners were to be handed over to the Intelligence Branch at H.Q. and I was to be informed of prisoners taken before they could be handed over.

I cautioned my officers, in respect to prisoners, that they must respect International Law.

When the prisoners were marched off they were not tied, their trouser belts were removed and they had to hold these garments up as they marched.

During the whole of the fighting in the WONG NEI CHONG GAP, I never lost contact with any of my units.

On the night of Dec 23rd, 1941, I moved off down the main road towards the WONG NEI CHONG valley. The WAKAMATSU Batt. left on 22nd Dec. and took a small road below a small path running parallel to the main road. Contact was made with the WAKAMATSU Batt. at the WONG NEI CHONG and STUBBS Road junction.

Signed at Stanley Gaol, this 25th day of November 1946.

Signed *SHOJI TOSHISHIGE*

(NAME IN BLOCK LETTERS) SHOJI Toshishige.

SWORN BEFORE ME

Signature *E.C. WATSON* Captain.
War Crimes Investigation Unit,
HONG KONG.

This 25th day of November 1946.

An officer detailed to examine the above by the Commander-in-Chief, Allied Land Forces, South East Asia.

(Authy: ALFSEA War Crimes Instruction No. 1, 2nd Edition, para 19(a).)

CERTIFICATE OF INTERPRETER

I, Sgt-Maj. A.R. HAMILTON, make oath and say that I truly and correctly translated to the accused, SHOJI Toshishige, the words of the above caution and that he thereupon elected to make a sworn statement, that he was duly sworn and that he then made a statement which I truly and correctly translated in English and saw taken down by Capt. E.C. WATSON, I read over the whole of the above statement to the accused in the JAPANESE language and he acknowledged it as correct and has now duly signed it in my presence and in the presence of Capt. E.C. WATSON, I certify that no inducement threat or promise was held out to the accused and that he made the above statement entirely voluntarily.

Signed: A.R. Hamilton, WO.11

(NAME IN BLOCK LETTERS) A.R. HAMILTON, S/M.

Sworn before me *E.C. Watson* Captain.

Signature E.C. WATSON Capt.,
War Crimes Investigation Unit,
HONG KONG.,

This 25th day of November, 1946. An officer detailed to examine the above by the Commander-in-Chief, Allied Land Forces, S.E.A.)

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十三日夕刻、師團司令部、南側高地に在り、全員健在ナリ。
 二、師團主力、上陸及前進、其軍、隊形、外に頑強、抵抗、普通、金瓶、(屋)迄、
 作戦、錯誤、未ナリ。
 三、伊東部隊長、及、井部隊、上、連絡、上、至、日本部隊、上、今朝、未、連絡、未ナリ。
 四、東海林部隊、東、北、浦、又、路、附近、三、死、全、滅、タリ、同、設、テ、師、團、長、に、配、
 特、親、泊、参、謀、ヲ、派、遣、ス。
 五、東海林部隊、師、團、上、陸、地、右、側、(西、側)、三、相、當、兵、力、ヲ、配、置、タリ、テ、上、信、セ、三、配、置、
 二、三、七、島、之、方、掩、護、為、取、敢、ス、師、團、直、轄、部、隊、一、部、ヲ、三、攻、撃、タリ、ナリ。
 六、東海林部隊、前、日、有、リ、部、隊、三、機、山、方、面、攻、撃、之、に、答、答、進、出、タリ、
 二、三、攻、撃、部、隊、上、交代、豫、定、
 七、死、傷、者、収、容、三、衛、生、隊、開、テ、是、派、三、彈、藥、糧、食、ヲ、送、リ、補、充、ス、
 依、テ、予、死、傷、者、多、數、(約、一、〇、〇)ヲ、生、タ、コ、ト、陳、謝、三、且、機、山、攻、撃、者、死、傷、者、
 収、容、及、彈、藥、糧、食、補、充、タ、リ、付、テ、命、之、上、度、々、師、團、長、三、見、具、中、力、ヲ、
 依、頼、ス、親、泊、参、謀、之、上、謀、策、三、是、等、情、形、此、處、於、上、陸、以、来、初、メ、師、團、
 上、連、絡、成、ス。
 七、二十日夕刻、三、上、井、部隊、岩、淵、部隊、神、戶、部隊、等、諸、中、候、並、三、連、絡、者、未、ル、
 又、井、部隊、一、部、隊、隊、三、大、隊、上、集、三、前進、タリ、攻、撃、者、知、ル、
 十九日、二十日、二、時、頃、間、各、部、隊、師、團、長、部、隊、長、在、長、等、首、次、知、ル、
 一、伊、東、三、兵、團、長、井、部隊、長、三、岩、淵、三、兵、部隊、長、伊、東、三、又、路、東、方、約、三、十、米、
 三、道路、右、側、三、東、軍、三、占、領、タリ、一、サ、カ、内、三、在、リ、
 二、何、モ、英、軍、三、砲、撃、ヲ、依、リ、上、陸、及、前進、妨、害、タリ、隊、長、知、リ、行、動、ス、ヲ、待、テ、
 三、上、井、部隊、三、三、山、三、占、領、ス、今、夜、行、動、ヲ、開、始、ス、豫、定、
 四、東海林部隊、現在、攻、撃、中、三、英、軍、陣、地、ヲ、突、破、三、上、井、部隊、三、前進、三、連、絡、未、三、三、
 三、山、頂、北、側、高、地、ヲ、連、三、占、領、ス、
 五、倉、主、隊、三、又、路、東、方、約、三、百、米、三、道路、附近、三、砲、撃、ヲ、開、始、ス、
 六、師、團、及、師、團、配、属、三、砲、兵、諸、隊、三、岩、淵、島、上、三、砲、陣、地、ヲ、佔、中、三、三、三、明、朗、
 三、砲、撃、ヲ、開、始、ス、
 七、東海林部隊、連、三、三、兵、團、司、令、部、上、三、連、絡、ヲ、開、始、ス、
 八、三、東海林部隊、上、井、部隊、上、連、絡、三、三、前進、三、三、英、軍、三、陣、地、ヲ、推、止、ス、三、三、

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SEATIC DETACHMENT

HQ LAND FORCES

HONG KONG

TRANSLATION OF STATEMENT

by Maj.Gen. SHOJI Toshishige, ex O.C. 230 Inf. Regt.
Japanese Imperial Army concerning the activities of
the SHOJI Butai during the capture of HONG KONG,
Dec 41.

1. The SHOJI Butai (comprised mainly of 2 Bns. of 230 Inf. Regt) was assigned the right flank of the 38 Inf. Group commanded by Maj. Gen. ITO, who was under the command of Lt. Gen. SANO, GOC HONG KONG attacking forces, the 38th Div. (NOTE: Central force DOI Butai, left flank TANAKA Butai). Between app. 2150 - 2400 hours, 18 Dec 41, the regt landed at a position app. 500.- 600 metres E of NORTH POINT.
2. I landed with the second wave at app. 2240 hrs. on same day at a/m position where were placed several concrete baulks. (The measurements were not clear because of limited night vision) and proceeded to the task of regrouping of arrived forces and reconnaissance of attack routes and headquarter position at rendezvous.
3. I remained at this position for app. 30 minutes and with the report from Capt. SEKIYA, the regimental adjutant, concerning the selection of HQ position, advanced to the bank on west side of lake app 800 metres (point J on map) south of the landing position. Gave orders concerning positions and formations for assembling units and at the same time endeavored to establish communication with OC ITO Butai, OC DOI Butai and with DIV. HQ.
4. Grouping of unit was completed by 0100 hrs on the 19th, Although many methods of communication were tried with the previously mentioned unit commanders and we were at the position assigned to us the previous day by Maj. Gen. ITO ? communications were still not established at 0230 hrs.

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5. During this period, from E and SE directions (landing positions of DOI and TANAKA Butais and what I took to be the direction of their advance routes) intense rifle and artillery fire was heard. I judged that the main Div. force had encountered resistance from the British forces and with difficulty in advance, would not be able to reach the agreed position by 0300 hrs on the 19th. I decided that the SHOJI Butai would move forward on the same date at app. 0700 hrs to a high point on west side of MT NICHOLSON, which was the previously arranged advance point, and wait for the arrival of DOI and TANAKA Butais.

6. With firm control of my unit, left rendezvous position on the 19th at app. 0240 hrs and commenced advance along the double dotted line on map to 5-ROAD JUNCTION at WONG NEI CHONG Road, and to the high point on west side of MT NICHOLSON. The night was pitch dark and the road being poor and narrow, the unit could only move forward slowly in two files.

7. When I arrived at position K at 0330 hrs, 19th, the OC No. 3 Bn. at that position submitted the following facts.

- (a) The pill box defences on JARDINES LOOKOUT were mainly manned by Indian troops. Their strength was unknown.
- (b) The UMN¹NO raiding patrol section had captured at app. 0140 hrs, the pill boxes on JARDINES LOOKOUT, thoroughly defeating the British force. Lt. UMN¹NO plus 5 others were killed in this action.
- (c) The planned advance route proved to be narrow and poor and the unit could only advance in 2 files.

8. Since the regiment had overpowered this enemy resistance, advance would proceed as planned. The following orders were given :-

- (a) No. 3 Bn. will attack and overpower British resistance on right No. 1, attack route and head towards the north slope of MT NICHOLSON.

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- (b) No. 2, Bn. will attack and overpower British resistance on left No. 1, attack route through JARDINES LOOKOUT and head towards the 5-ROAD JUNCTION, WONG NEI CHONG ROAD.

Both Bns. were ready for attack by app. 0500 hrs. While commanding the attack, I followed up the No. 3, Bn. with two reserve coys.

9. Not only was fierce rifle fire heard from the direction of the No. 2, Bn. but suddenly from the area of 5-RD JUNCTION WONG NEI CHONG Rd. fierce rifle fire and movements of armoured units were heard. At this time thick fog rolled in and even short distances could not be seen.

At length, report came in from OC No. 3, Bn. that the forward units had encountered an advancing British force of armoured cars and were in midst of fierce battle. The British force was steadily being reinforced.

The OC No. 2, Bn. reported that the British force in the area of JARDINES LOOKOUT were mainly Indian troops. Resistance was slight and the British were retreating towards the east and SE ravines in front of advancing Japanese troops. The Bn. was expected to assemble in the area of the captured anti-aircraft defences.

Following this, I immediately ordered battle preparation for No. 2, Bn. to assist the No. 3, Bn.

10. At sunrise, the intense artillery fire which had commenced last night from the direction of STANLEY PENINSULA towards the direction of the main div. force, increased in vigour. Artillery fire was received from the VICTORIA artillery. The general advance was made under great difficulty.

11. At app. 0800 hrs, 19th, No. 3, Bn. gradually advanced and pressed the British force. While resting at a depression near the anti-aircraft defence, No. 2, Bn. was subject to sudden

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artillery fire from artillery situated near the North streets of the RACE COURSE (Pt E) at this time, my immediate unit had completely assembled in the narrow limits of the area of 5-RD JUNCTION and consequently suffered heavy losses. The shelling greatly hindered the advance. (although this shelling was sudden and fierce, it only continued till the morning of the 21st).

12. On the evening of the 19th, No. 3, Bn. reinforced by one section of the reserve force, pressed the attack. Owing to the mounting resistance offered by the British forces on M^T. NICHOLSON and in pill boxes on the SE slope, No. 3, Bn. suffered heavy casualties including the Bn. Commander. At night fall, the position was still in enemy hands. (Casualties app. 800).

13. Thus, while waiting anxiously for the arrival of friendly forces, a cry was raised at app. 1240 hrs, the 19th, that the TANAKA Butai had arrived. By standing in the foxhole, I sighted to the east a platoon of 60-70 infantry men advancing on the road running east to west. The following conversation issued between myself and the platoon Commander.

OC Pl: The TANAKA Butai is in that direction
(pointing to the East) advancing and destroying the enemy.

SHOJI: The regimental Commander ?

OC Pl: He is advancing with the main unit.

SHOJI: Which way are they advancing ?

OC Pl: Towards VICTORIA PEAK.

SHOJI: What about the DOI Butai ?

OC Pl: We have not seen them.

This was the first occasion we had met our own troops since landing.

14. I judged that the DOI Butai would arrive soon. Just before sunset, 19th, (app. 1900 hrs ?) a report came in that the DOI Butai had arrived. But even at sunset there was no sign of them. Following this, I despatched Intelligence Officer, Lt. ITO, to DOI Butai for liaison purpose and he returned to unit at app. 2400 hrs and submitted the following :-

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- (a) Lt. ITO had difficulty in locating the DOI Butai and in returning to unit. Therefore, the late return.
- (b) Contact had been made with the Bn. Commander of the left No. 1, force of the DOI Butai. The unit was then having evening meal (app. 2100 hrs) and would continue the advance with the night.
The Bn. was app. 2000 metres NE of our position.
- (c) The DOI Butai had been subject to intense artillery fire from the British. They had attacked the British units advancing towards JARDINES LOOKOUT and had annihilated them. The advance was continuing.
- (d) Large number of British troops were prisoners of the DOI force. When I asked Lt. ITO, if he had contacted OC DOI and OC ITO Forces, he replied that he had failed to do so and had returned to his unit (For this he was reprimanded).

According to Lt. ITO's report, I believed that the DOI Butai should be arriving soon but the main force had not arrived by the 20th. Only arrivals were several small patrols at 0800 hrs, 20th, detected moving northward near the area of pill boxes on JARDINES LOOKOUT which had been previously captured by the SHOJI Butai. During the morning and afternoon, occasionally the peak of JARDINES LOOKOUT received heavy artillery fire from VICTORIA and RACE COURSE gun positions.

15. The SHOJI Butai continued the attack on the night of the 19th, Assembling of killed and wounded was put into progress, but owing to the darkness and the rain and non arrival of the medical unit, great difficulties were encountered. Ammunition was nearly out. Operations carried out from beginning to end during the night in the vicinity of 5-JUNCTION, WONG NEI CHONG RD, was by the SHOJI Butai except for odd platoon patrols.

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16. In the afternoon of the 20th (app. 1500 hrs ?), Capt. SEKIYA, the regimental adjutant, was despatched to OC ITO Butai, and to DOI Butai to report our situation and to establish liaison.

17. On the evening of the 20th (app. 1800 hrs ?), Maj. OYADOMARI, Div. staff officer arrived and stated the following facts :-

- (a) Div HQ had been established at the hill, south of TAIKOO DOCKS and all were in good health.
- (b) The landing and advance of the main div. strength, encountering unexpected strong British resistance, had been delayed and there had been a hitch in the campaign plan.
- (c) Although liaison had been maintained with OC ITO Butai and DOI Butai, contact with TANAKA Butai had failed since this morning.
- (d) Rumours that the SHOJI Butai had been annihilated near the 5-JUNCTION, WONG NEI CHONG RD. had greatly worried the Div. Commander and he had especially despatched Staff Officer OYADOMARI.
- (e) Because the SHOJI Butai had not disposed considerable force on the right flank of the div. landing point, as believed troops from the main div. force were despatched to that area.
- (f) The SHOJI Butai should on to-morrow, 21st, send a strong force to the area of LEIGHTON HILL and in the meantime make preparation for its capture. (Pre-arranged for relief of attacking unit).
- (g) Medical units would be sent as soon as possible to collect the killed and wounded. Supplies and ammunition would be replenished as soon as possible.

I apologized for having incurred such a large casualty (app. 800) and requested that the orders for attack on LEIGHTON HILL be given as soon as dead ^{and} wounded had been collected

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and supplies and ammunitions had been replenished. This request was conveyed to the div. commander by sympathetic Staff officer OYADOMARI who returned in haste. This was the first contact with the div. following landing.

18. Liaison was established with DOI Butai, IWABUCHI Butai, KANKI Butai on the evening of the 20th, with arrivals of patrols and liaison personnels from these units. A small unit of the DOI Butai advanced on the left flank of the No. 3, Bn. and participated in the attack.

19. At app. 2100 hrs, on the 20th, regimental adjutant SEKIYA returned and submitted the following report :-

- (a) The OaC ITO Inf. Group, DOI Butai, IWABUCHI Eng Butai were in a pill box captured from the British App. 2000 metres (?) N on the road from the 5 - JUNCTION, WONG NEI CHONG RD.
- (b) Unit movements could not be executed as planned because of artillery fire met during landing and advance.
- (c) To capture MT. NICHOLSON, DOI Butai expects to commence operations to-night.
- (d) SHOJI Butai will capture British positions now under its attack and then will link up with the advance units of DOI Butai to capture as soon as possible the high point on north side of MT NICHOLSON.
- (e) Medical unit should have established a first aid station app. 500 metres East of the 5-JUNCTION, near the road.
- (f) The divisional and division attached artillery have landed in HONGKONG and are in midst of preparing artillery positions and should commence firing to-morrow morning.
- (g) SHOJI Butai should as soon as possible establish liaison with the Inf. Group HQ.

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It was decided that the SHOJI Butai advance jointly with the DOI Butai and to halt the advance of the British force. The dead and wounded were assembled during the night. The slight rain which had commenced on the 19th night, developed into torrential rain on the 20th evening and great difficulty was encountered in all movements.

20. In the early morning of the 21st, the right flank platoon of No. 9, Coy captured 1 pill box on East side of the road. From the foxhole which I had been using on the 19th and 20th, I moved into what seemed to be the office of the British force in the pill box.

21. In the early morning of the 21st, the medical section arrived and took over the task of transporting the dead and wounded to the rear. By the evening of the 22nd, their task had been completed.

22. From early morning, our artillery commenced shelling towards the Eastern defences on JARDINES LOOKOUT (position unknown).

23. We received several rounds from the RACE COURSE artillery on the morning of the 21st. Firing stopped and was not heard from again.

24. The attack on LEIGHTON HILL by the SHOJI Butai as directed by Staff Officer OYADOMARI was cancelled according to orders received on the afternoon of the 21st app. 1500 hrs.

25. On 21st evening, app. 1800 hrs, the adjutant of Inf. (ITO Butai) Group arrived for liaison purposes. The DOI Butai were advancing and the SHOJI Butai was reprimanded for not advancing also. The plan calling for the Inf. Group HQ following up the SHOJI Butai advance (TN: previous DOI Butai) was made known.

26. With our artillery in action since the 21st evening, our troops movements became more active. A patrol from the DOI Butai and personnels from KANKI Butai and other artillery units arrived for liaison purposes. OC IWABUCHI Butai arrived with his unit and joined in the attack on the pill boxes. On the same night (app. 2100 hrs ?) the left Bn. column of the DOI Butai composed of

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1 or 2 Coys, overtook the SHOJI Butai.

27. The general British resistance weakened from the morning of the 22nd and the SHOJI Butai were engaged in assembling of casualties and replenishing of rations and ammunitions. It was decided that the pill boxes on our front should be captured by the No. 3, Bn. in cooperation with the IWABUCHI Butai. No. 2, Bn. ^{would be} was sent out on a night attack to break through all fronts and advance in the direction of the DOI Butai lines. Preparations for this were ordered.

28. No. 2, Bn. completed preparation by app. 1800 hrs. on the night of the 22nd. On the same night at app. 2000 hrs. left the 5-JUNCTION and commenced advance. On same day at app. 2100 hrs (?) made contact with retreating British forces and confused fierce fighting occurred in the dark night. The defeated British force retreated. The capture of the point (Pt. "M") was completed by the morning of the 23rd. During the night operations, the Bn. Commander was wounded while the Bn. adjutant and ten others were killed.

29. On the 22nd at app. 2100 hrs, a telephone call was received direct from the 00 Inf. Group by the regimental Commander. He reproofed: The DOI Butai has advanced but why hasn't the SHOJI Butai advanced in front of meagre British resistance?

During the night of the 22nd, the IWABUCHI Butai destroyed a pill box but the British force continued to offer strong opposition.

30. Four British soldiers emerged from a pill box at app. 1300 hrs (?) on the 23rd and surrendered. Using this opportunity, we advised all ranks to cease the futile resistance. Following several negotiations, the British surrendered. Following early morning of the 19th, the heroic British defences on WONG NEI CHONG were (gradually) captured. An Eng. Maj. plus 37 ranks (or 47) were taken prisoners. The time of the capture is remembered as app. 1500 hrs. on the 23rd.

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31. There were several wounded among the prisoners and the medical unit speedily attended to their needs. According to their wishes, biscuits, water and cigarettes (app. 10 cigarettes though insufficient for all) were given. The prisoners were escorted to Div. HQ with necessary Prisoner Transfer Document by a KEMPEI Sgt/Maj. who often visited the unit (formerly temp att. to SHOJI Butai) with 5 men augmented by 5 from SHOJI Butai headed by L/Cpl. IKEDO. On the way, the Sgt. Maj. hospitalized 3 seriously wounded in the field hospital. The others were escorted to Div. HQ and handed over. L/Cpl. IKEDO and his 5 men returned to unit on the evening of 23rd with the seal of staff officer OYADOMARI affixed to Prisoner Transfer Document as receipt.

32. During preparations for departure of prisoners, I received report of discovery of a body of a British general officer (TN: Brig. LAWSON of Canadian forces). On inspection together with Capt. (Med) KIMURA, it appeared that the officer had died as a result of wounded fractured right leg and loss of blood. It appeared that considerable time had elapsed since death and that necessary medical supplies had been lacking. We wrapped up the body in the blanket of Lt. OKADA, OC No. 9, Coy, which had captured the position. I ordered the temporary burial of the officer on the battle ground on which he had died so heroically. Following this, I returned to the matter of assembling prisoners and in this regard gave out several cautions. Later, proceeded to Bn. HQ and went to position N and studied during the night liaison with the artillery and DOI Butai as well as reconnaissance of British defences on our immediate front in preparation for general advance.

33. The morning of the 23rd (time forgotten) the main units of the Div. artillery were detected preparing artillery positions near JARDINES LOOKOUT inspite of intense British artillery fire. Other Japanese artillery units were preparing

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positions South and North of JARDINES LOOKOUT were also subjected to fierce shelling from the VICTORIA artillery. It could be seen that particularly LEIGHTON HILL and positions West of it were receiving concentrated artillery fire. On the same day it was learnt that the Inf. Group HQ had been transferred to the rear of SHOJI Butai.

34. On the night of the 23rd orders were received that the Div. would with utmost strength attack during the night of 24th and defeat the enemy. According to the same order, the streets around the RACE COURSE would be the advance of the SUZUKAWA Butai. It was also heard that the cooperating artillery were occupying sites in the area behind the same (SUZUKAWA) unit in preparation for active cooperation in the night attack.

35. On the night of the 23rd, complete liaison was established between SHOJI and DOI Butais. Advance was made to near Point "O". Reconnaissance of British defences in MAGAZINE GAP was made in preparation for night attacks. On the same night, app. 30 Indian troops surrendered with the surrender papers (TN: dropped by planes). Early next morning they were escorted to Div. HQ.

36. At app. 0900 hrs, 24th, OC regimental artillery, OC Bn. artillery and others connected to artillery liaison as well as Commanders of OPs arrived for conference and came to many agreements. The field hospital and medical units were established near HQ. On the same day, our aircraft bombed British defences. In the afternoon, orders arrived postponing the general attack of tomorrow, 25th. During the night app. 40 Indian troops surrendered and as in previous case were despatched to Div. HQ.

37. A report came in that the white flag had been raised from several British defences at app. 1830 hrs, 25th. At app. 1840 hrs, a report came stating that a military representative of the Governor, a British Lt/Col. (accompanied by another man and a small dog) had arrived by truck to the area above the road, captured

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by the No. 2, Bn. Promptly, the purpose was requested and a report sent to Div. HQ. With Lt. ITO and 7 others as guards, the officer was escorted to Div. HQ and handed over to Staff Officer OYADOMARI. On return to unit, Lt. ITO reported that a military representative of the Governor who had contacted the SUZUKAWA Butai had arrived earlier at Div. HQ.

38. According to Inf. Group orders, all operations ceased on the night of the 25th, but all units remained as before.

39. On the morning of the 26th, (app. 1000 hrs ?) SHOJI Butai evacuated its defences and proceeded to area designated by Div. According to instructions of Div. Billeting officer, bivouacking was to be carried out in cooperation with earlier arrived KEMPEITAI. At app. 1500 hrs, 26th, with all remaining personnel under firm control, proceeded to billeting area and arrived there at app. sunset. The main unit was bivouacked near the park and the regimental HQ billeted in the home of MITSUI Branch office manager.

40. On the 27th and 28th, cleaning up of battle fields took place as well as disposition of the dead.

41. On the 29th, participated in the ceremony of entering the city. Following this, we moved to KOWLOON and according to the instructions of Div. Billeting Officer in conjunction with the KEMPEI, was billeted there.

42. On 1st Jan 42, Gen. USHIROMI, Chief of Staff, CHINA FORCES, and another staff officer visited HONG KONG to inspect the sites of operations. A Bn. Commander of the DOI Butai, (the Bn. Commander contacted on the night of 19th Dec by Lt. ITO) and myself supplied the necessary explanations. The Bn. Commander DOI Butai, while at the anti-aircraft positions WONG NEI CHONG, captured by SHOJI Butai (during tour in explanation of DOI operations) stated that the most advanced right flank Bn. of the DOI Butai had attacked MT NICHOLSON by proceeding to the North of the British defences at 5-JUNCTION which was at that time being attacked by the SHOJI Butai.

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I am certain that the areas around the 5-JUNCTION RD. were subjected to confused attacking by different units such as the SHOJI Butai, the DOI Butai, the IWABUCHI Butai plus the Div. artillery, directly attacked artillery under the direct commands of GOC Div and OC Inf. Group respectively.

In the afternoon of the 19th (following the passing by of one platoon of TANAKA Butai, ref para 13, time unknown) someone of the No. 8, Coy, detected the main strength of the TANAKA Butai (not certain) advancing near the 5-JUNCTION and heading South. Later, following the end of operations, I heard from OC TANAKA Butai that the roads had been mistaken. (TN: TANAKA Butai should have swung West to VICTORIA PEAK according to Maj/Gen. SHOJI). That the TANAKA Butai had passed near 5-JUNCTION RD. on the same day in the afternoon is quite certain.

I must point out that this document was written without any ref material. The incidents occurred over 5 years ago and my mental powers have deteriorated as a result of sickness incurred at GUADACANAL operations, and as a result the dates, unit positions, strength and other details cannot be absolutely certain. However, it is to the best of my ability true and I hope there are no mistakes.

18 November 1946.

Signed: SHOJI Toshishige.
ex. 08 230 Inf. Regt. IJA.

AFFIDAVIT BY SGT. R. ITO.

1. I am an interpreter attached to the SEATIC Translators and Interpreters Centre and am at present serving with the War Crimes Investigation Unit in HONG KONG. I hold the rank of Sgt.
2. I am fully conversant with the written English and Japanese languages.
3. I hereby certify that the/translation of a statement written in Japanese by Maj/Gen. SHOJI Toshishige, and handed to

above is a correct

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me by Capt. E. C. WATSON, which said statement is now produced
and shown to me marked Exhibit "B",

Signed:

R. Dto Sgt.

SWORN before me

Signature . . .

E. C. Watson

WAR CRIMES INVESTIGATION UNIT,
HONG KONG.This ~~TWENTY-FOURTH~~ . . day of . . . November . . . 1946.

An officer detailed to examine the above by the Commander-in-Chief,
Allied Land Forces, South East ASia.

(Authy: ALFSEA War Crimes Instruction No. 1, para 7).

/NH

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RCL

Corrections and Alterations of the Translation
of the Statement of Maj.Gen. SHOJI Toshishige

Abbr. 1 - line. p.- paragraph.

- P.2. 1.3 "The measurements vision" should be altered as "the measurements was apprx. 2 square meters, but not clear because of limited night vision".
- ~~p.3. 1.6. Next to "units", "at the point J shown on map." is omitted. Deleted RCL~~
- p.4. 1.3. "And Ito" should be altered as " but they were all not at the position assigned to ~~the~~ ^{us} the previous day by Maj.Gen.Ito."
- p.8. 1.1-2 "Sinceplanned" should be altered as "Therefore the regiment decided to advance as planned, overpowering this British Forces."
- p.9. 1.1-2. "Not..... Bn." should be altered as "While the no.2 Bn was advancing forward, hearing merely inactive rifle fire."
- 1.3 Next to "and", "shout and" is omitted.
- 1.4 Next to "heard", "at about 6:50, 19th" is omitted.
- p.10 1.4-5 "The general.....difficulty." should be corrected as "It seemed that the general advance was difficult."
- p.11. bottom "?" is omitted at the end of the sentence.
- p.14 (b) 1.3 Next to "2100hrs", "?" is omitted.
- (c) 1.3 "towards" is a mistranslation of "from"
- 1.6 from bottom.
Next to "by", "morning" is omitted.
- 1.4 from bottom
"previously" should be altered as " the previous day".
- ~~1.3 from bottom
"morning" should be deleted. Deleted RCL~~
- p.17 (e) should be altered as "Although it was believed that the Shoji Butai posted a considerable force to the right flank (west side) of the landing point of the Division, it did not post the force there. Therefore, for the purpose of assisting it, a part of a unit directly under the Division was ordered to attack the enemy."
- P.19 (a). should be altered as "The OaC Ito Inf.Group, Doi Butai, IWABUCHI Eng. Butai were in pill boxes captured from the British who were at the north side of the road apprx. 2000 meters (?) away from NE of the 5 JUNCTION, WONG NEI CHONG RD."
- p.22 should be corrected as " Early morning of the 21st, our artillery commenced shelling from the direction of the position east of Jardines Lookout(position unknown.)"

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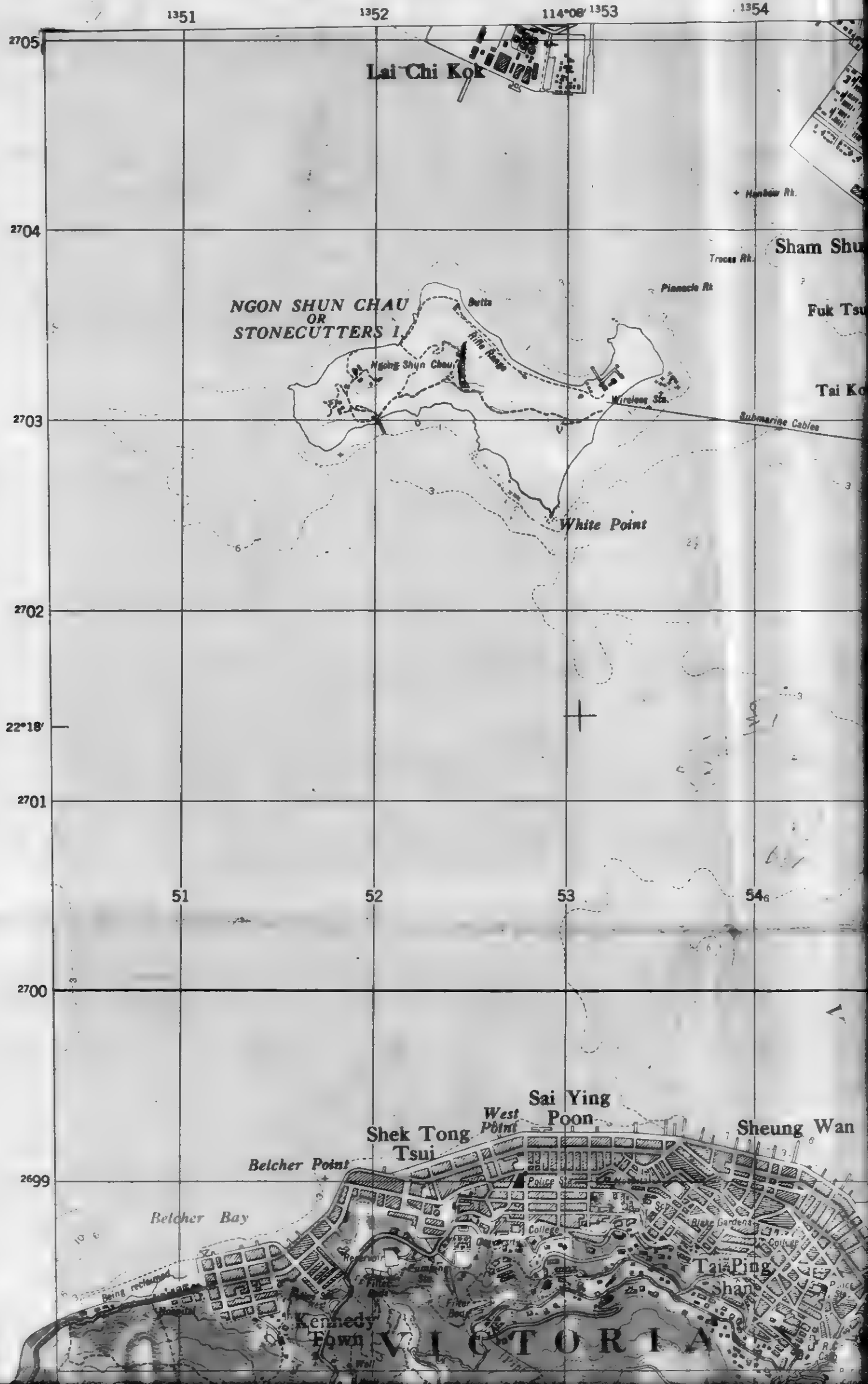
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- p.24 1.2 Next to "directed", "on the 20th" is omitted.
Next to "1500 hrs", "?" is omitted.
- p.25.1.1 Next to "1800 hrs", "?" is omitted
- 1.3 "Butai wasalso" should be altered as "Butai was encouraged to advance."
- p.26 1.2-3 ~~"A patrol Purposes."~~ should be altered as "A patrol of the Doi Butai and other personnels from artillery units arrived for liaison purposes".
- p.27 1.2-3 "The Shoji Butaiammunitions." should be altered as "there was a hope that the Shoji Butai could have a chance of replenishing of rations and ammunitions and assembling casualties".
- p.28 1.1 from bottom. Next to "killed", "and wounded" is omitted/
- p.29 1.2 from bottom "destroyed a pill box" should be altered as "destroyed some pill boxes."
- p.30 1.3 from bottom "(gradually)" is a mistranslation of "completely".
- p.31 1.6 "who often visited" is a mistranslation of "who opportunely visited".
- p.32 1.5 "loss of blood" should be altered as "rupture of blood vessel"
- 1.7 "necessary medical supplies had been lacking" should be altered as "no medical steps could be taken."
- 1.8-12 "We Gaudions" should be altered as "I ordered Lt.Okada Oc.NO.9 Coys, which had captured the position, to wrap up the body and to conduct a polite burial of the officer temporarily at the spot where he died and went to ~~the place where the POWs were assembled and gave several instructions necessary on their way.~~ the place where the POWs were assembled and gave several instructions necessary on their way."
- 1.13. "Bn H.Q." should be "2nd Bn H.Q."
- 3rd line from bottom. Next to "during the night", "of the 23rd" is omitted.
- p.33. 1.4. "preparing position" is a mistranslation of "occupying positions".
- p.35. 1.4. Next to "for the night attacks", "and we stayed overnight" is omitted.
- page 13. 1.1. Next to "that", "since 20th December" is omitted.
- p.30. 1.5-6. ^{Should be altered to} "The British defences on Wong Nei Chong, which had been fighting heroically since early morning on the 19th, were completely captured."

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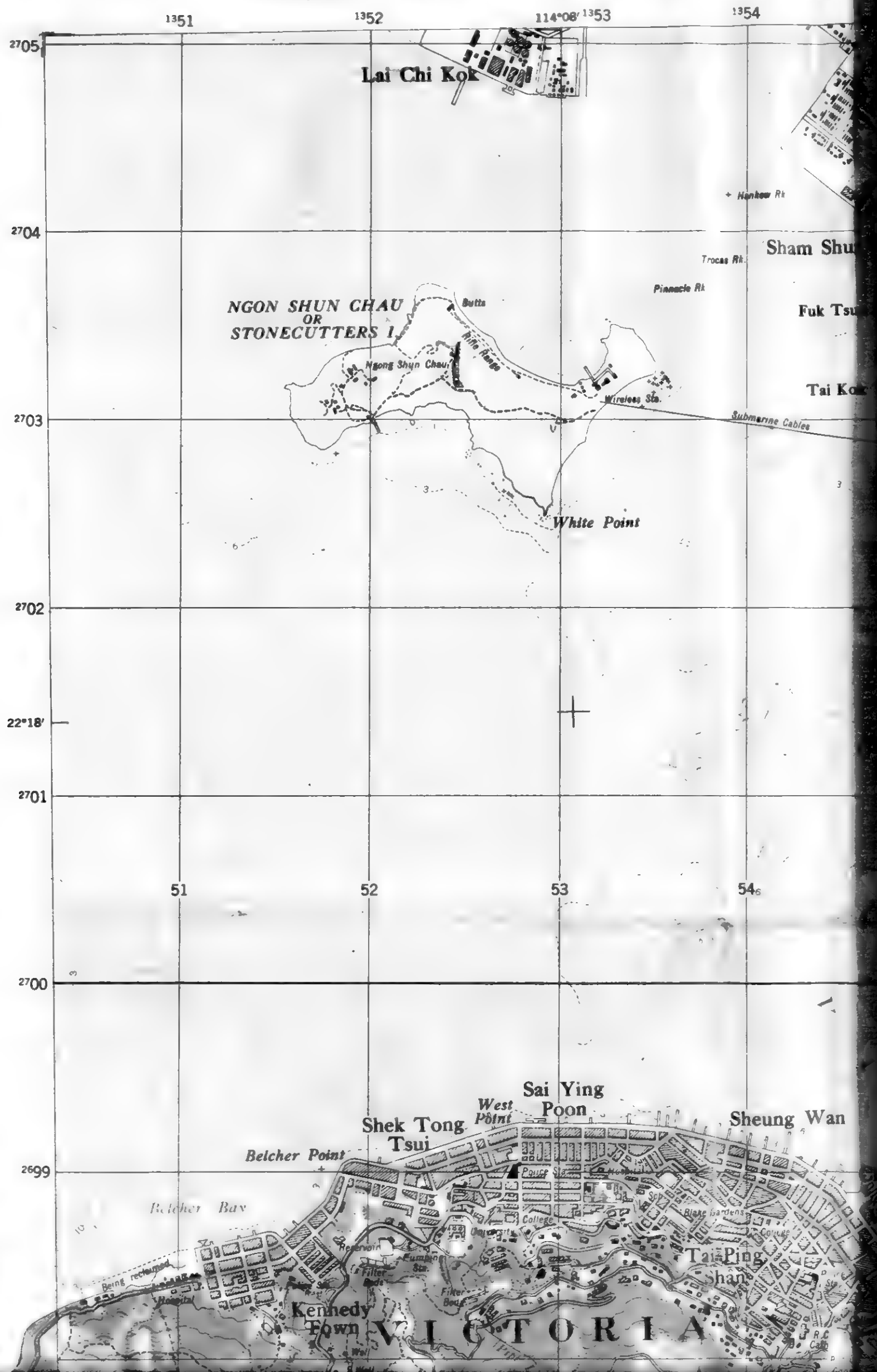
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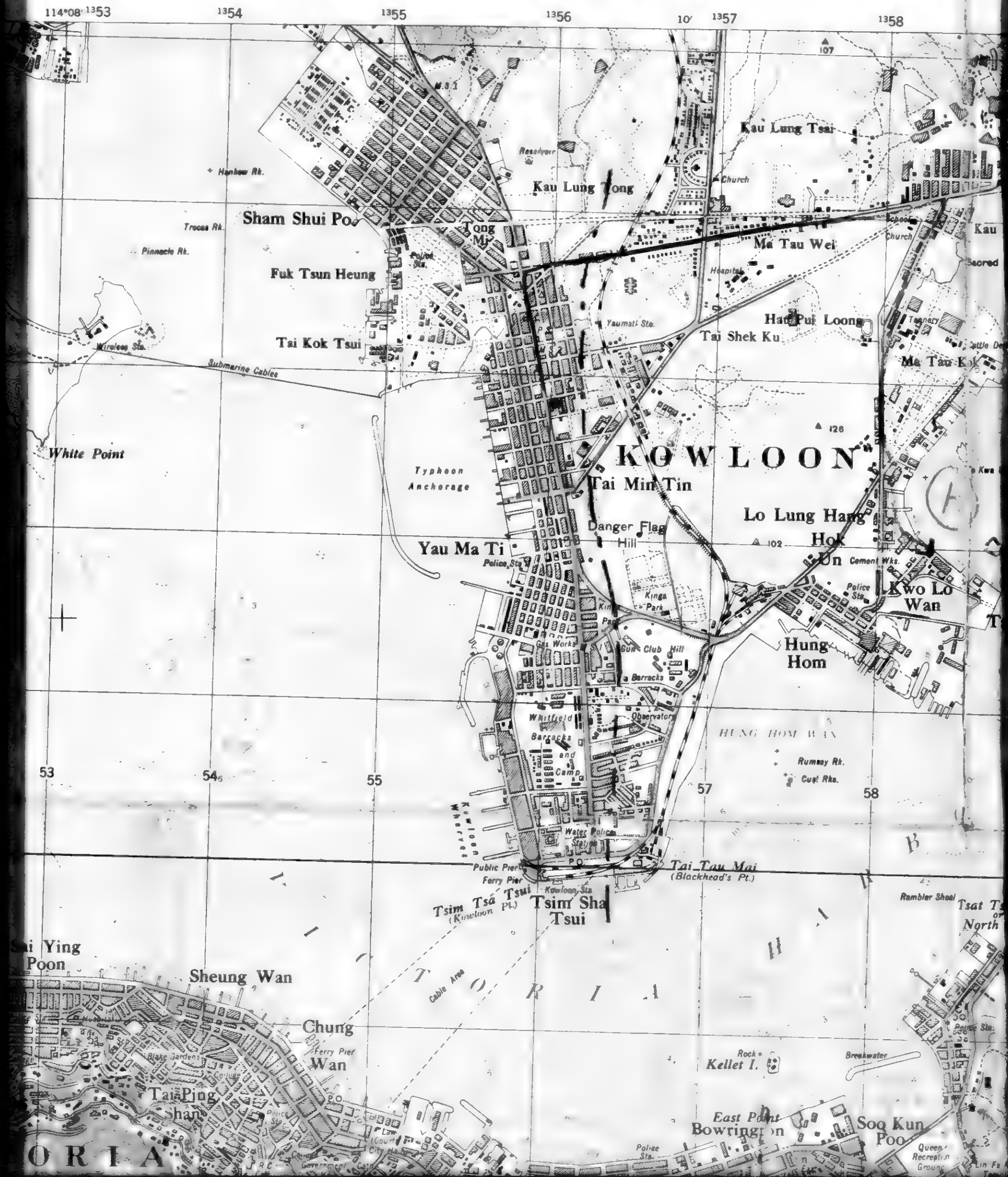
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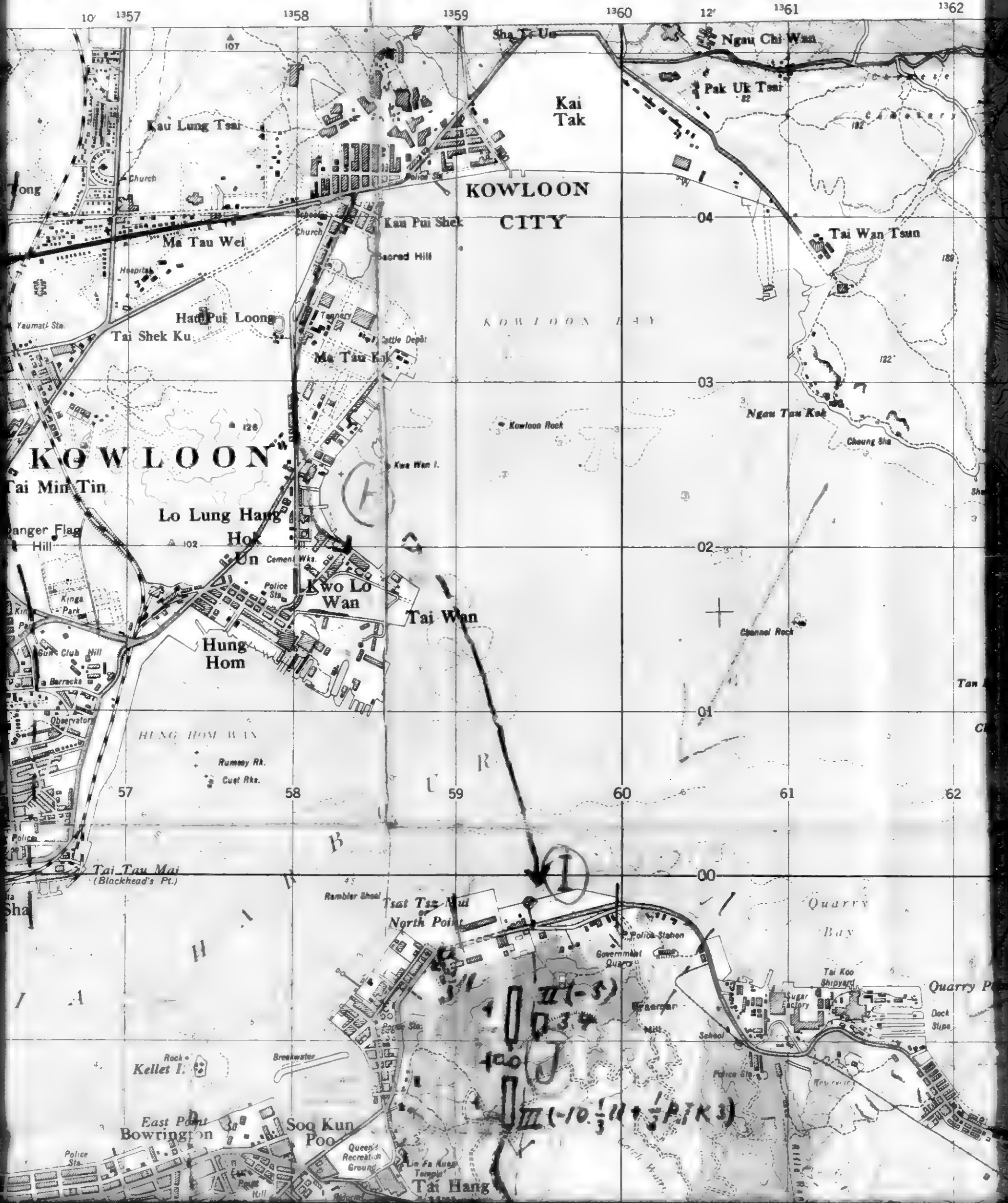
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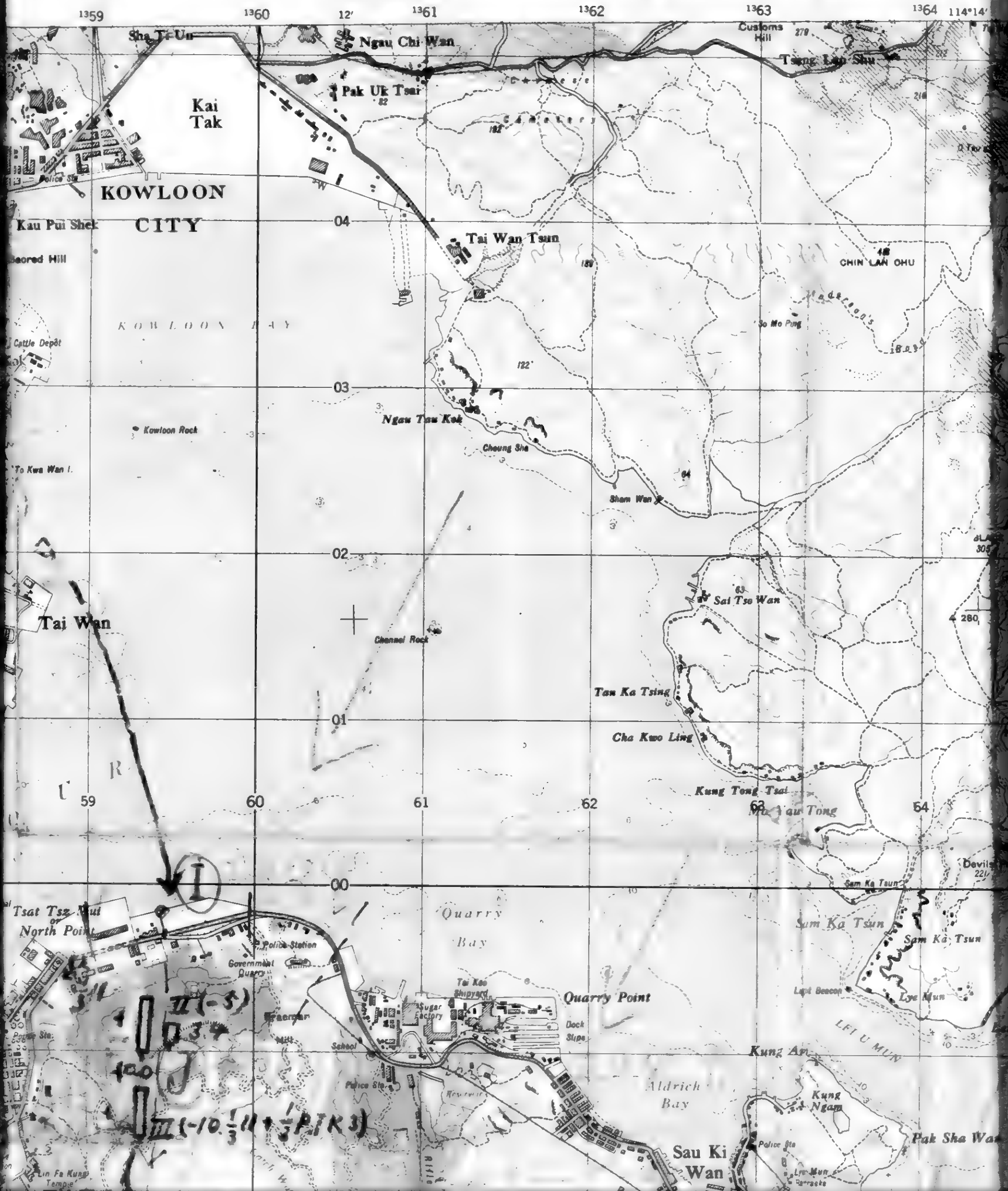
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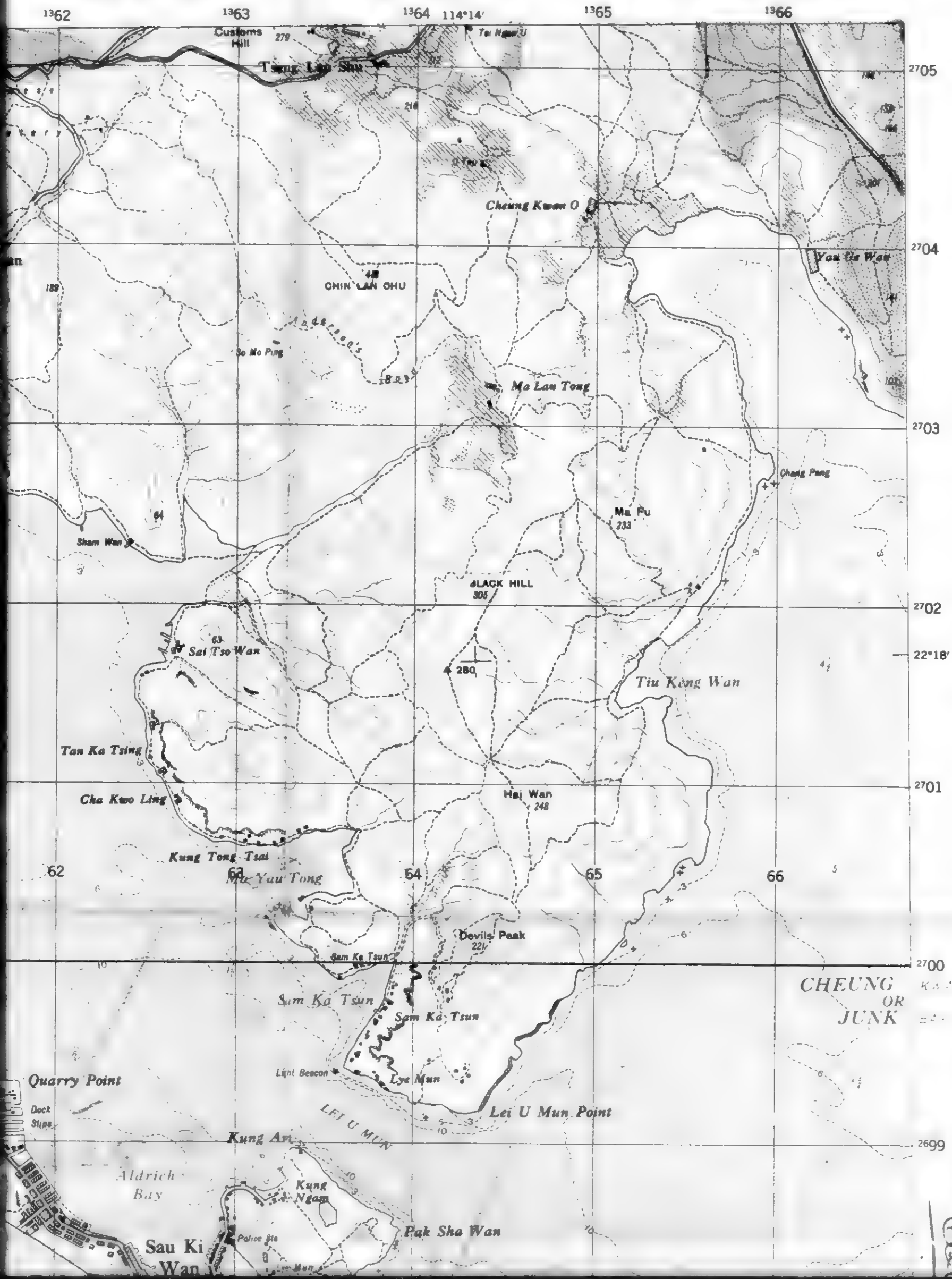
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This is the map marked Exhibit "H" referred to in the affidavit of SHO 51 Testis: [illegible] before the 25th day of June 1946.

[Signature]

This is the map marked Exhibit "A" referred to in affidavit of S.H. 51 Testimony sworn before this 25th day of Nov. 1946, E.E. Cotton

00213

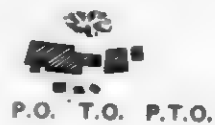


Geographical Section, General Staff, No 3868.
Published at the War Office, 1930.

Second GSGS Edition, 1932 (Revised 1938) (AMS 1), 1945.

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from British pulls of a map drawn at Ordnance Survey, 1930, 1939,
Geographic values adjusted, British grid deleted and World
Polyconic grid added by AMS, 1945.

Isolated boulders.....
Villages.....
Isolated houses.....
Post Office, Telegraph Office.....



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CONVENTIONAL SIGNS

Boundaries: International
" Administrative
Railways (Embankment)
" Narrow gauge
Roads: 1st Class, 2nd Class
" 3rd Class, Cart track
Bridle path, Foot path
Power Line
Telegraph and Telephone lines
" " " along roads
Wall or Fence
Trig. station and height
Heights (in metres) above M.S.L.
Contours, at 10 m. Vert. Int.
Cliffs

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Isolated boulders
Villages
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Post Office, Telegraph Office



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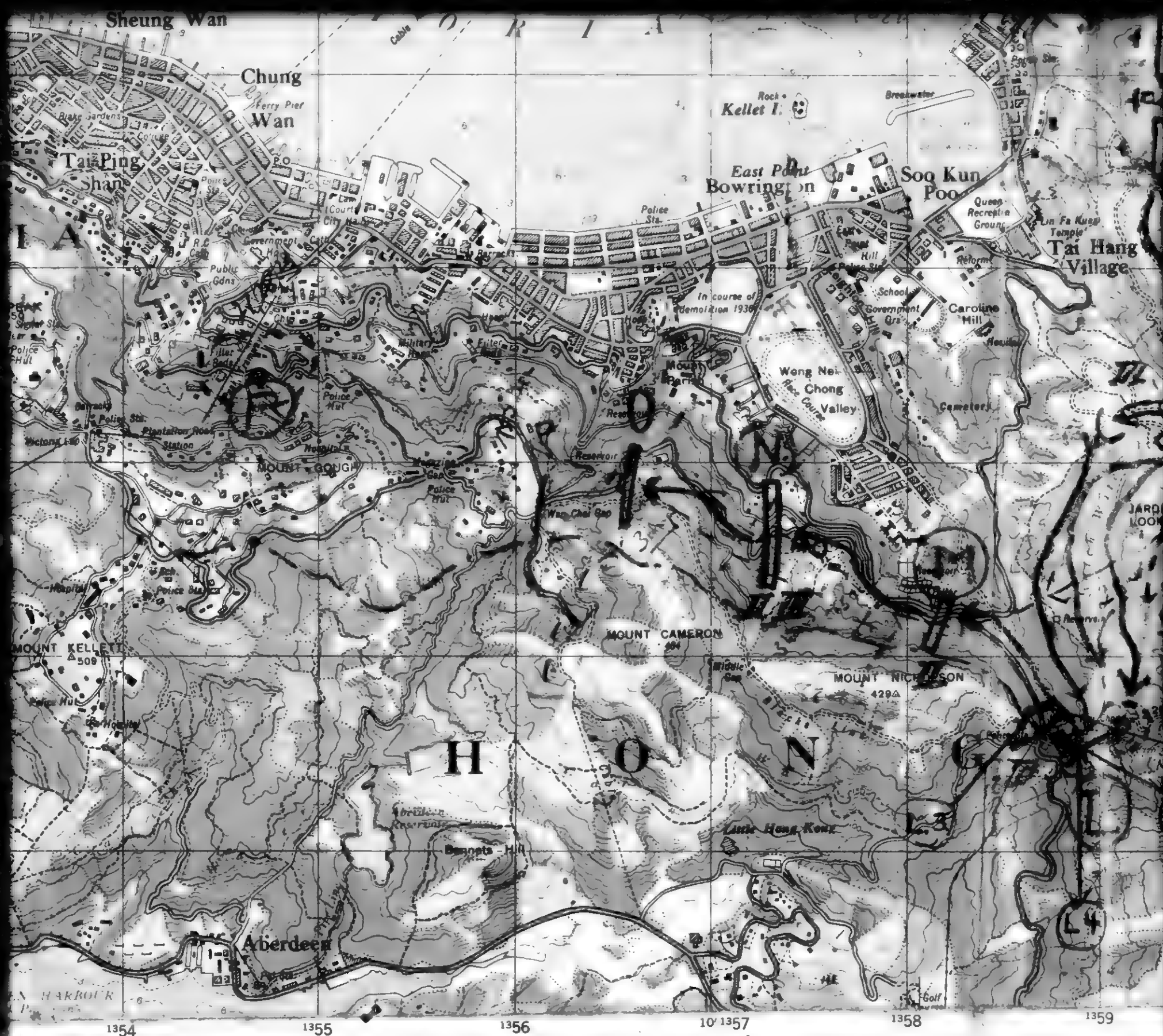
CONVENTIONAL SIGNS

Boundaries International
" Admin. strative
Railways	(Embankment) (Cut)
" Narrow gauge	.....
Roads. 1st Class. 2nd Class	.....
" 3rd Class. Cart track	.....
Bridle path. Foot path	.....
Power Line	.....
Telegraph and Telephone lines	.....
" " " along roads	.....
Wall or Fence	.....
Trig. station and height	Δ 242
Heights (in metres) above M. S. L.	145
Contours, at 10 m. Vert. Int.
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CONVENTIONAL SIGNS

International
Administrative
Narrow gauge
Class. 2 nd Class
Class. Cart track	.....
Foot path	.....
and Telephone lines	.....
along roads	.....
ence	.....
and height	.....
(in metres) above M.S.L.	.....
at 10 m. Vert. Int.	.....



Scale 1:20,000.

Contour interval 10 metres; every 50 accentuated.

INCIDENCE OF SHEETS DIAGRAM

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24

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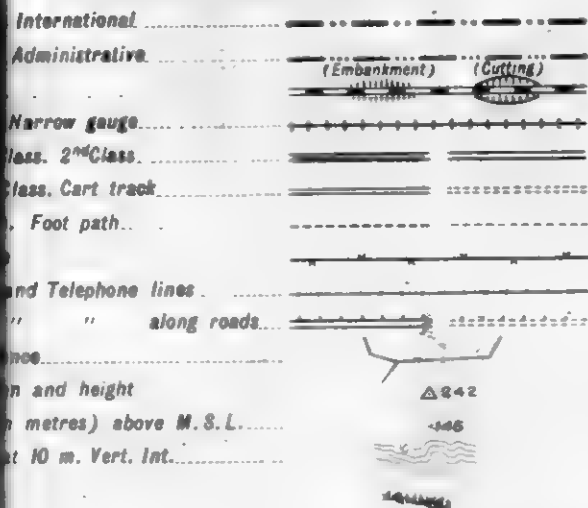
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Scale 1:20,000.

Contour interval 10 metres; every 50 accentuated

INCIDENCE OF SHEETS DIAGRAM

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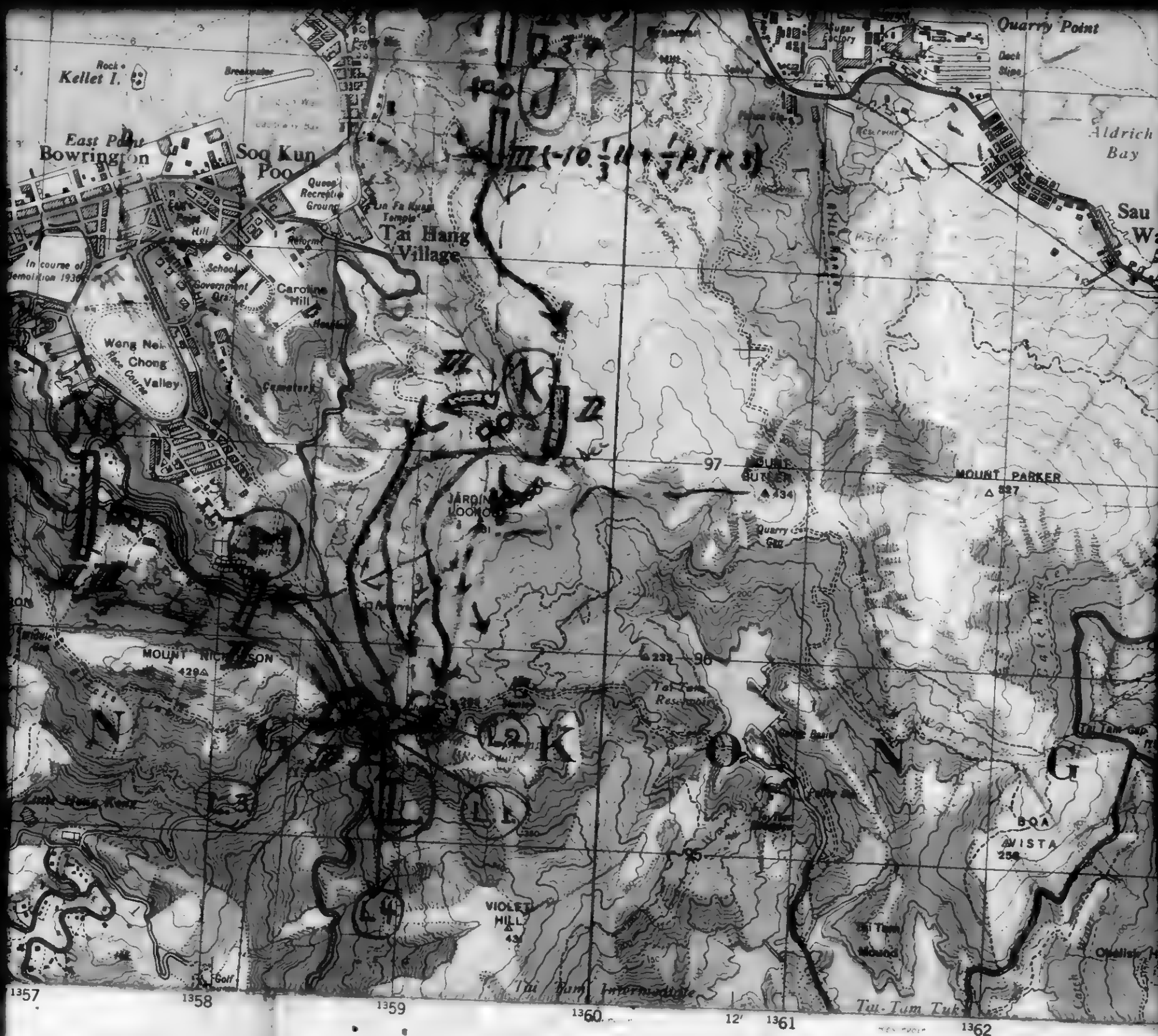
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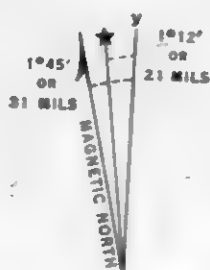
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INCIDENCE OF SHEETS DIAGRAM

A 5x5 grid with numbers 1-24. The grid is overlaid with a map of the United States. The numbers are distributed as follows:

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21	22	23	24	

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by subtracting
longitudes.
and 200 yards in
his series
of Kwangtung



APPROXIMATE MEAN DECLINATION 1945
FOR CENTER OF SHEET
NO ANNUAL MAGNETIC CHANGE
Use diagram only to obtain numerical values.

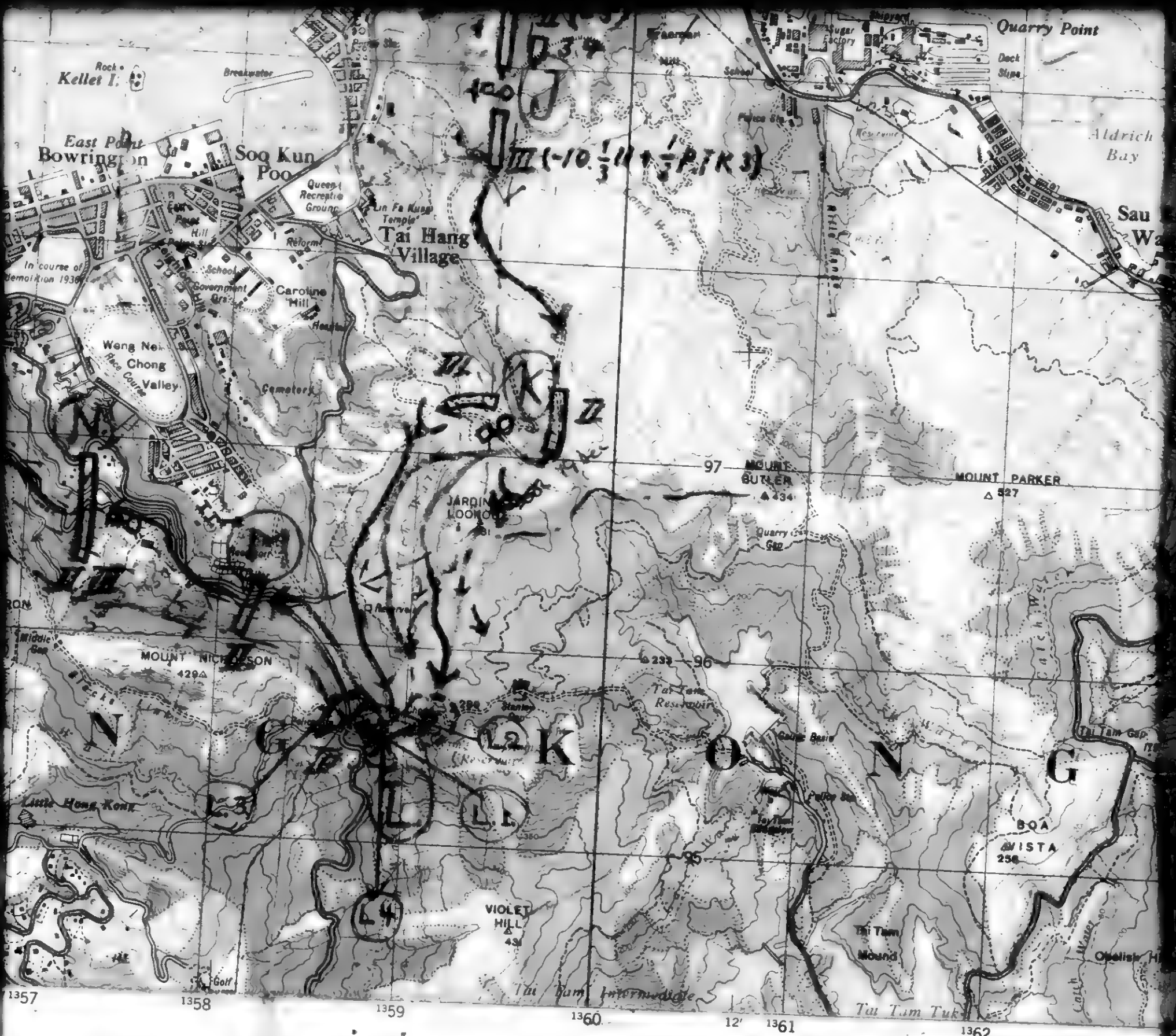
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Rocks: Awash. Submerged.....
 Drying Reef.....
 Lighthouse.....
 Chinese Tomb. Stone Tower.....
 Cemeteries.....
 Woods: Thick.....
 " Scattered.....
 Scrub.....
 Orchard.....
 Marsh or Swamp. Mangrove.....
 Irrigated land.....
 Salt pans.....
 Bridges (span in feet).....

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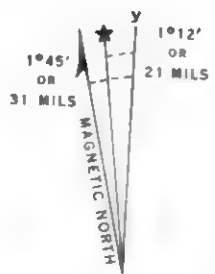


Scale 1:20,000.

Contour interval 10 metres; every 50 accentuated.

INCIDENCE OF SHEETS DIAGRAM

1	2	3	4
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13	14	15	16
17	18	19	20
21	22	23	24



APPROXIMATE MEAN DECLINATION ON 1945
FOR CENTER OF SHEET
NO ANNUAL MAGNETIC CHANGE
Use diagram only to obtain numerical values.

CONVENTIONS

- Rocks. Awash. Submerged
- Drying Reef
- Lighthouse
- Chinese Tomb. Stone Tower
- Cemeteries
- Woods: Thick
- " Scattered
- Scrub
- Orchard
- Marsh or Swamp. Mangrove
- Irrigated land
- Salt pans
- Bridges (span in feet)

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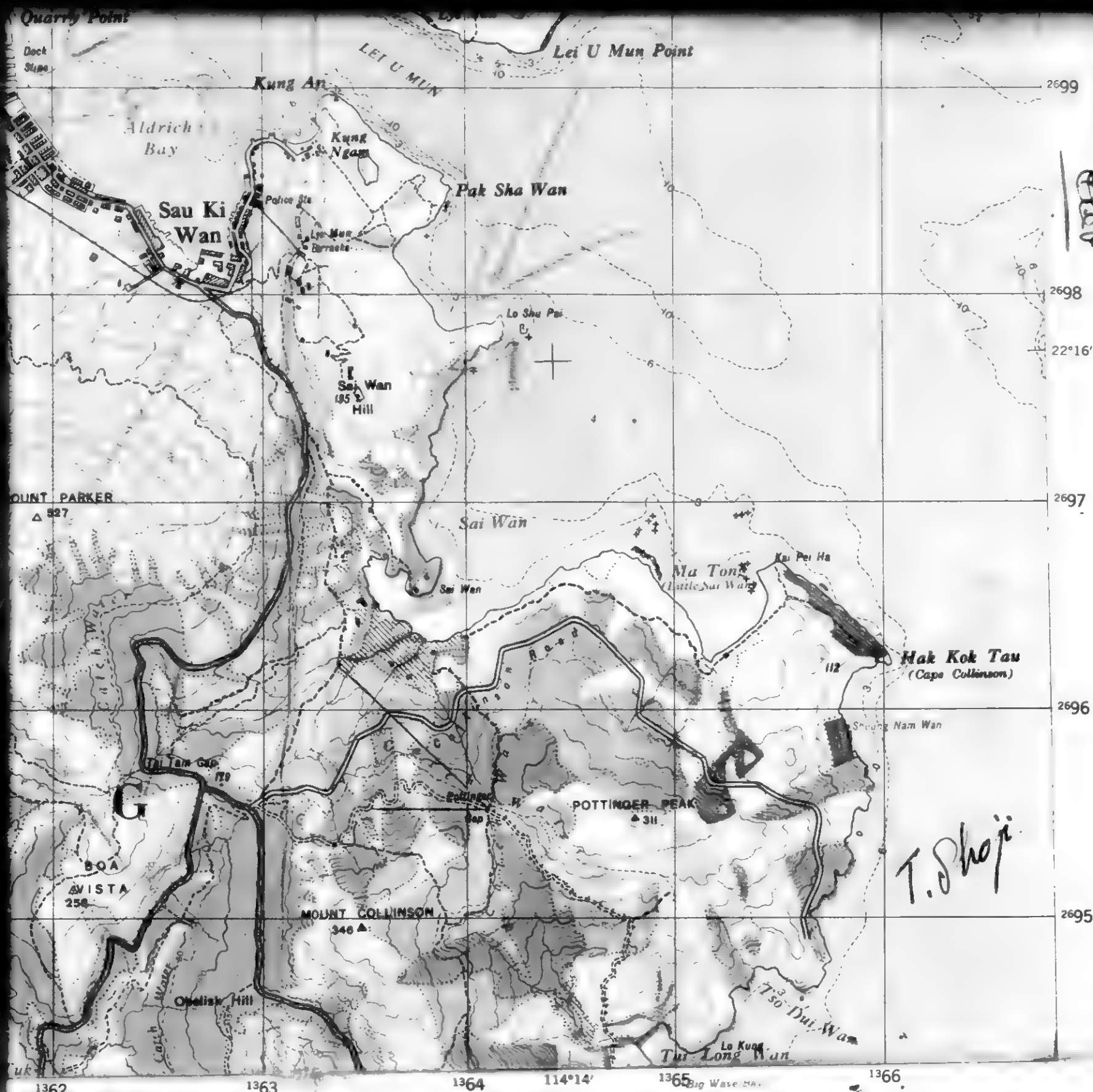
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17" upland is in
a series of low ridges

T. Shoji

CONVENTIONAL SIGNS

- Rocks: Awash. Submerged
- Drying Reef
- Lighthouse
- Chinese Tomb. Stone Tower
- Cemeteries
- Woods: Thick
- " Scattered
- Scrub
- Orchard
- Marsh or Swamp. Mangrove
- Irrigated land
- Salt pans
- Bridges (span in feet)



- Ditches or trenches
- Sand. Mud
- Fathom Line
- Stones and Boulders

Printed by 71 Base Map Rep. Sec. R.E.
Survey Production Centre, South East Asia, Oct. 1945.

Air Survey by the R.A.F. and ground control
by 2nd Colonial Survey Section, R.E., 1924-25.
Field revision by P.W.D. Hong Kong 1932. and
by R.E. Survey Section, 1935-37.
Plotted by the Geographical Section, General Staff, 1930.

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17" referred to in
a survey before war

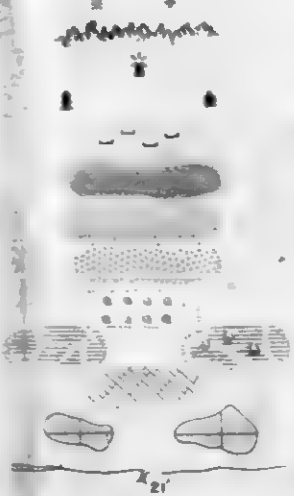
W. D. H. H.

T. Shopi

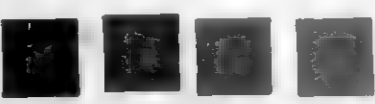
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CONVENTIONAL SIGNS

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Air Survey by the R.A.F. and ground control
by 2nd Colonial Survey Section, R.E., 1924-25.
Field revision by P.W.D. Hong Kong 1932. and
by R.E. Survey Section, 1935-37.
Plotted by the Geographical Section, General Staff, 1930.

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Survey Production Centre, South East Asia, Oct. 1945.

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1000.

I, Lieutenant-Colonel CEDRIC OVERTON SHACKLETON, Royal Army Medical Corps, with permanent address at: Care of Messrs. CLYN, MILLS & CO., Bankers, (Holt's Branch), WHITEHALL, LONDON, S.W.1, M.A.K. CITY and says as follows :-

1. I was Senior British Medical Officer at HONGKONG and commanded ROBIN ROAD Hospital there from April 1942 and I was active in this capacity at ROBIN ROAD Hospital, HONGKONG, when HONGKONG capitulated to the Japanese on 25 December 1941.

2. I remained at ROBIN ROAD from 25 December 1941 until 8 May 1942. I was then moved to ARTHUR STREET CAMP, known as Camp "N", on the mainland where I stayed from 8 May 1942, until 20 April 1943. I then was transferred to SHIMOHITO Camp, known as Camp "S" on the mainland where I remained for 14 days. I left SHIMOHITO Camp to go to JAPAN on 20 April 1943.

3. I have seen and read the statements signed and attested by Miss. A.F. GORDON, formerly of the British Forces, and Miss. J. LINDEN, formerly of the British Forces, who were both admitted to this affidavit. I have also seen and read the statements of these ladies and they have described to me in detail the incidents to which they refer in their statements.

4. I have seen before me copies of statements made by :-

No. 7212319 - Sergeant T.R. CUNNINGHAM, Royal Army Medical Corps
No. 7204508 - Sergeant A.C. LINTON, Royal Army Medical Corps
No. 7212391 - Sergeant B. LINTON, Royal Army Medical Corps
No. 7261301 - Sergeant C.H. ANDERSON, Royal Army Medical Corps

These copies are certified as being true and correct copies and are attached as exhibits to this affidavit.

I, myself, am conversant with the facts of the Royal Army Medical Corps and the conditions of service of the medical and other forces and they relate in their statements to the facts that they mentioned those matters to me personally.

CE CERTIFIED TRUE COPY.

Collison *Capl*
(Sgt)
HONG KONG.

/G.A.

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C R12

To :- Officer Commanding,
Military Hospital,
Bowen Road,
HONG KONG.

Appendix E.

From :- Sergeant T.G. Cunningham, R.A.M.C.,
No. 7262319.

Sir,

The staff attached to the Advanced Dressing Station, Wongneichong on the 18 December 1941, were in addition to myself.

Captain B. De. Barclay, R.A.M.C.
Private Evans, R.A.M.C.
Private Jones, R.A.M.C.
Driver Mapp, R.A.S.C.

Ten St. Johns Ambulance Brigade personnel. These latter were accommodated in the two adjoining Medical Shelters. L/Corporal Linton, 1/Middlesex Regt. Brigade Clerk, slept in the A.D.S., at night.

An Indian Constable, attached to the Wongneichong Police Station, sustained facial and shrapnel wounds late in the evening. Captain Barclay arranged for him to sleep in one of the Medical Shelters as the Police Station was under fire.

In the afternoon Lieutenant Woodside, Royal Rifles of Canada, Brigade Intelligence Officer, told Captain Barclay that all the Brigade vehicles were immobilised by shell fire and suggested that Captain Barclay, knowing the local topography very well, stand by at the A.D.S. with his car as Brigadier Lawson would like to go around the posts.

At about 9.00 p.m. Lieutenant Woodside told us that the Japanese had landed on the Island. Captain Barclay telephoned Field Ambulance Headquarters and I think they suggested him to await local developments. A few hours later we were told that the Japanese had reached the Stubbs-Taihang Road Junction. From what I remember Captain Barclay phoned to Field Ambulance Headquarters and St. Alberts Hospital asking if we should remain at the A.D.S. I don't know what the gist of the messages were but I believe, on Lieutenant Woodside's request, we remained at the A.D.S. as we were in telephonic communication with Brigade Headquarters. We awaited there for a few hours until we found it impossible to escape. The Japanese had apparently suddenly surrounded our locality. It was now about 4 a.m. on 19 December. At daybreak we heard a party on the roof trying to force the ventilators open but they were unsuccessful. Later, after a series of explosions, we were able to see the St. Johns bearers with the Indian constable, all in some degree injured, come out of their shelters and surrender. Although the bearers were fully dressed, complete with Red Cross brassards, the Japanese killed everyone.

We awaited inside the building during the 19th and the morning of the 20th hoping for a possible counter attack by our forces, but from what we could hear the Japanese forces appeared to be everywhere. Several times they tried to enter, but beyond spraying the doors and windows with bullets, no determined effort was made. Captain Barclay during this time was rather worried about our position. Escape was proved impossible. He did not like surrendering, our rations were low, we had no apparent hope of relief. By the sounds we heard there seemed to be some wounded lying unattended. He said it was our duty to attend to them no matter what nationality they were. Eventually he improvised a Red Cross Flag and pinned to it a note saying who we were and the fact that we were unarmed. On pushing this through a window he barely escaped being shot as the Japanese opened fire at the first signs of life. Later we heard a large body assemble round the A.D.S. and some trying to force the doors. So we all

THIS IS THE EXHIBIT MARKED "C" REFERRED TO IN THE AFFIDAVIT OF LIEUTENANT-CONONEL CHURCH OVERTON SHACKLETON
SWORN THIS ELEVENTH DAY OF DECEMBER 1945, BEFORE ME, (SGD) A.A.P. HUNT, Captain Legal Staff.

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THIS IS THE EXHIBIT MARKED "C" REFERRED TO IN THE AFFIDAVIT OF LIEUTENANT COLONEL CEDRIC OVERTON SHACKLETON
SWORN THIS ELEVENTH DAY OF DECEMBER 1945 BEFORE ME,
(SIGNED) A.A.P. HUNT, Captain Legal Staff.

STATEMENT OF Sgt.T.R. Cunningham,R.A.M.C. (Continued)

came out and surrendered. We were then beaten, securely tied and our Red Cross brassards torn off. We were then brought before a few officers who did not seem to know much English. After interrogation we were again beaten, Captain Barclay bearing the brunt of it as he did his best to explain our position as Red Cross workers. Another prisoner, a Rajputana Sepoy, joined our party and we were driven up the stream along the valley facing the A.D.S. This place seemed alive with Japanese. I would estimate there was about one battalion of troops here and the majority of these we met, although our hands were fastened, seemed to think that we were playing at running the gauntlet. We then came to an encampment on the slopes of the valley overlooking the A.D.S. and fastened to the trees. The Japanese seemed to have a system of trench latrines for the purpose of accommodation, two men to a trench. These trenches were all around us. Soon we were blindfolded and except for a periodic beating left alone. At about 5 p.m. Private Jones and Driver Mapp were taken away, and later, I estimate at about 10 or 11 p.m. L/Cpl. Linton cut me free from the tree. Apparently the Indian sepoy had a knife in his trousers pocket with which he freed himself. Then although he was in the centre of an armed camp he crawled around to our trees and freed Captain Barclay, Private Evans and myself. Captain Barclay deciding, I think, to head for Stanley left us and we crawled through the camp heading for the hills and Shaukiwan. We had decided by now that everywhere except Stanley had capitulated, and we hoped to get to the mainland where we thought we would have a better chance to escape. Only for the help I received from Linton and Evans I would never have managed to get away as I was very exhausted. In fact, they also did not feel very fit but they would not leave me.

After about an hours travel, we landed on Sir. Cecil's Ride but we were met by rifle fire from about 10 yards distance. We scattered in the dark. I headed up the hill again. I waited to see if I could contact the others but I could hear nothing but the Japanese, so I decided to keep moving, hoping that Linton and Evans were doing the same. The time was about midnight 20/21 December. The next morning I contacted Indian Troops who directed me to Ventris Terrace where a Company Headquarters was- The time was now about 7.30 a.m. 21.12.1941.

I am, Sir,

Your obedient servant.

(Signed) T.R. Cunningham,
Sgt. R.A.M.C. No.7262319.

Certified true copy of exhibit "C" of this affidavit.

K. Cooper
.....(Major)
WAR CRIMES INVESTIGATION TEAM.

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D (r)
RCLSUBMISSION OF "NO CASE TO ANSWER"BY DEFENCE COUNSEL

The Defence Counsel (Mr Junjiro Takano) said;

May it please the Court.

I wish to make a submission that there is no case to answer and that I need not be called upon to present the defence case.

The Prosecution sought to prove that the accused was concerned in the ill-treatment of the prisoners in the Wongneichong Gap area between December 17 and 26, 1941. Having produced evidence that various cases of ill-treatment did occur in this area between these dates, the Prosecution had next to prove that the Japanese troops concerned in these incidents were troops under the command of the accused.

So I wish now to go over each of the alleged incidents in turn and ask the Court to consider whether or not this has been proved in each case.

The first incident was that about which evidence was given in Court by Cheung Shui-ling, Fincher, Winyard and Zimmern; when it is alleged that the defenders of the "Q" Store on Stanley Gap Road were beaten up and some killed without provocation after they had surrendered to Japanese troops. The Prosecution has failed to prove that the troops to whom these people surrendered and who were responsible for the ill-treatment and killing were members of Shoji unit. The Prosecution has not even proved that any troops belonging to Shoji unit passed that spot.

Admittedly it is stated in the accused's report that his troops captured the anti-aircraft position near the "Q" Store where in 1942 an explanation of the battle was given; and the Prosecution may suggest, though they cannot prove, that if a part of the Shoji unit went so near the "Q" Store as the anti-aircraft position, then part of the Shoji unit also reached the "Q" Store itself. The Defence can show that the part of the Shoji unit which went to the anti-aircraft position was only a passing isolated patrol and the Prosecution cannot prove otherwise. And further, the lines drawn on the map (Exhibit A1) by the accused to indicate the routes taken by the troops of his unit show that his troops did not pass along Stanley Gap Road. On the contrary, Capt Uchiyama, although not an eye-witness, gave evidence that it was explained to him that the Doi and Tanaka units moved along the Stanley Gap Road.

The next incident referred to in the abstract of evidence is that of Sgt Marsh who clearly states in his affidavit that the position which he was defending was on the top of Jardine's Lookout. The Prosecution has not proved that any part of the Shoji unit went near the top of this hill. The Prosecution may wish to interpret the accused's statement that the Unno raiding patrol of the Shoji unit captured the pill-boxes on Jardine's Lookout, and his statement that it was decided that the main forces of his unit should pass to the right of the pill-boxes and No. 2 battalion should go to the left and clear out the pill-boxes round Jardine's Lookout as showing that the whole of Jardine's Lookout was to be captured by the Shoji unit. But it is clear from the lines drawn on the map by the accused that his troops only passed across the north and west slopes of Jardine's Lookout and that the pill-boxes referred to in the statements I have just mentioned were those on the north slopes guarding the approaches to the main hill, because it is just west of point "K" on the map.

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that his forces are shown as splitting into two columns. So I repeat that the Prosecution has not proved that any part of the Shoji unit went near the place where the incident related by Marsh took place.

As regards the Land Incident, I submit that again the Prosecution has produced no proof that the Japanese soldiers concerned were members of Shoji unit. It is not clear from the various affidavits where the incident took place; but from Bradbury's statement it seems that it was on Jardine's Lookout and as these Canadians had fallen back from the area of Tai Tam Reservoir, it was presumably on the east slopes of the hill, and there is nothing to show that it was in the Shoji's sphere of operations. Still less has it been shown that the troops who escorted Miron, Bradbury and the others to North Point and were responsible for the alleged bayonetting of Kilfoyle and others, belonged to Shoji unit. On the contrary, I consider it certain that the H.K.V.D.C. men at the "Q" Store were not captured by Shoji unit; and I feel that the fact that Miron, Bradbury and other Canadians as well as Sgt Marsh were kept in the same mess hut with the H.K.V.D.C. men from the "Q" Store is a pointer to the fact that the Canadians also were captured by a unit other than Shoji unit.

The affidavits of Hiscox and Haddad also describe bayonetting and ill-treatment of prisoners, but also give no indication that the Japanese troops concerned were under the command of the accused. On the contrary, Hiscox states definitely that the troops who did the bayonetting were from an artillery unit because their weapons were light artillery carried on pack-horses. The fact that Hiscox describes this incident as having taken place at Wongneichong Gap is no proof that Shoji's troops were concerned, because the fighting was so confused and many Japanese units were very close together and the term Wongneichong Gap can be interpreted in many different ways.

As to Kipling, there is no mention in his affidavit of where he saw some wounded bayoneted to death, except that it seems to have been somewhere near the mess hut by Stanley Gap Road, or who were the Japanese troops concerned.

Childs says he was captured on Mount Butler, which was well outside the Shoji unit's area and says, "I could not identify the Japanese concerned" with beating of prisoners at the hut to which he was taken.

It appears the Canadian HQ by Wongneichong Gap was captured by a platoon of the Shoji unit and that among the prisoners taken there were Williamson, Mondor, Philips and Tamworth. But it cannot be regarded as definitely proved that these men were captured by the Shoji unit because the Canadian HQ covers a considerable area and it is quite possible that part of it was captured by Shoji's men and part by those of another unit. The only ill-treatment alleged to have been committed by the troops who took the above mentioned witnesses prisoner was the tying of their hands. But Capt Philips, who could best judge the circumstances on the spot, does not appear to have resented this, because he says that "the combatant Japanese troops to whom we surrendered treated us very reasonably in the circumstances." This was purely a temporary measure.

These four witnesses who appear to have been taken prisoner at the Canadian HQ also allege ill-treatment of various kinds after they had been taken away from the place where they were captured. Capt Philips definitely says that the ill-treatment only started after they had been handed over to second line troops, that is clearly troops other than the Shoji unit, which was a first line unit; and there is nothing in the evidence of the other

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witnesses to contradict Philips' statement. We may therefore say that the Prosecution has not proved that the ill-treatment done on the way to North Point was done by troops of Shoji unit. But it may be said by the Prosecution that although the escorts did not belong to the Shoji unit, nevertheless since the accused did give instructions to certain escorts about treatment of prisoners, some escorts may be considered to have been under Shoji's command to some extent; and Uchiyama said the Kempei escorts were under the command of the Medical unit directly under the Divisional Commander. At any rate, it has not been proved that those who escorted Philips, Tamworth and the others were among these.

About the incident described by Sgt Cunningham, I need only say that he does not tell us where the Advanced Dressing Station was, or who were the Japanese troops concerned; and so there is no proof that Shoji unit was responsible.

It may be that in spite of all I have said about the lack of proof that Shoji's troops were concerned, that the Prosecution bases its argument on the following statement in the abstract of evidence: "As also appears in the accused's statements, no other troops except those from his own Regiment participated in fighting in the Wongneichong Gap area until the night of December 20 or 21, 1941." But I submit that there is no foundation for this statement: the accused in his report (page 13) says that part of Tanaka unit was seen by him on the Stanley Gap Road just after midday on December 19, and he nowhere states that there was no other unit besides his own was in the area, be it interpreted ~~widely~~ widely or narrowly, before December 20.

The Prosecution may also put much stress on the accused's statement that "the only prisoners captured in Wongneichong Gap were taken by Shoji Butai." Even is this statement is accepted as it stands, the Prosecution cannot be justified in interpreting the words "in Wongneichong Gap" as meaning the square mile in that general area in which atrocities are alleged to have been committed. From the fact alone that the accused says in his report that he was told that Doi unit had captured a great many prisoners, it is clear that he was only referring to a very small area when using the words "in Wongneichong Gap."

I consider therefore that I have clearly shown that the various atrocities were no concern of Shoji unit. I realise however that it is conceivable that the Court may consider members of Shoji unit to have been proved to have bound prisoners and refused to allow prisoners to return and fetch wounded. I have already spoken about the former, and the latter cannot in itself, and no more has been proved, be called a crime.

Now the second stage in the Prosecution's attempted proof of the charge had to be that the accused himself was concerned in the ill-treatment and killing, and to do this it had to be proved that the accused ordered these incidents, knew of them and acquiesced in them and failed to punish the perpetrators, or did not know of them because he failed to supervise his subordinates properly. I submit that these things have not been proved.

Therefore I ask the Court to acquit the accused now on the ground that there is no case to answer.

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May it please the Court:-

D(1)

RCH

I wish to make a submission - that there is no case to answer ^{and} that I need not ^{be called} upon to present the ^{defence} case.

The Prosecution sought to prove that the accused was concerned in the ill-treatment of the prisoners in the Wang Nei Chang Gap Area between the 17th and the 26th December, 1941. Having produced evidence that various cases of ill-treatment did occur in this area between these days dates, the Prosecution had next to prove that the Japanese troops concerned in these incidents were troops under the command of the accused.

So I wish now to go over each of the alleged incidents in turn and ask the Court

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to consider whether or not this has been proved in each case.

The first incident was that about which evidence was given in court by Chenung Lin ring, Finchel, Wingard and Zimmerman; when it is alleged that the defenders of the "2" store on Stanley Gap Road were beaten up and some killed without provocation after they had surrendered to Japanese troops. The Prosecution has failed to prove that the troops to whom these people surrendered and who were responsible for the ill-treatment and killing were members of SHOSI Unit. The Prosecution has not even ~~pro~~ proved that any troops belonging to SHOSI Unit passed that spot, except possibly ^a ~~at~~ later date when ~~escorting~~ ^a

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00230

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~~prisoners to the scene although there is~~
~~no definite proof that on this occasion~~
~~the troops belonged to 84051 Unit.~~ Ad-
 mittedly it is stated in the accused's report
 that his troops captured the anti-aircraft
 position near ^{the} "Q" Store ^{where} ~~there~~ in 1942 ^{an}
 explanation of the battle ^{was} given; and the Pro-
 secution may suggest, though they cannot prove,
 that if ^{a part of} the 84051 Unit went so near the "Q"
 Store as the anti-aircraft position, ~~if~~ then part
 of the 84051 Unit ~~is~~ also reached the "Q"
 Store itself. The Defence can show that the
 part of the 84051 Unit which went to the
 anti-aircraft position was only a passing
 isolated patrol and the Prosecution cannot
 prove otherwise. And further the lines

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00231

4.
 drawn on the map (Exhibit "A¹") ^{by the accused} to ~~show~~ ^{indicate} the routes taken by the troops of his Unit show that his Troops did not pass along Stanley Gap Road. On the contrary Sgt. Ushiyama although not ^{an} eye-witness gave evidence that it was explained to him that Doi and Tanaka Units moved up along the Stanley Gap Road.

The next incident referred to in the abstract of evidence is that of Sgt. Marsh who clearly states in his Affidavit that the position ^{which} ~~where~~ he was ~~positioned~~ ^{Sardine's lookout} depending was on the Top ^{of} ~~the~~ hill. The Prosecution has not proved that any part of the S.H.D. 1 Unit went near the Top of this hill. The Prosecution may wish to interpret the accused's statement - that the

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Munro ~~leading~~ raiding patrol of the SHD Unit
 captured the pill-boxes on Jardine's Lookout,
 and his statement that it was decided that
 the main forces of his Unit should ~~have~~
~~passed~~ ^{pass} to be right of the pill boxes and
 No. 2 Battalion should go to the left and
 clear out the pill-boxes round Jardine's Lookout.
 out, ^{as showing} that the ~~the~~ whole of Jardine's Lookout
 was to be and was captured by SHD Unit.
 But it ~~is~~ ^{is} clear from the lines
 drawn on the map by the accused that his
 troops only passed ~~and~~ across the North
 and West slopes of Jardine's Lookout and
 that the pill-boxes referred to in the statements
 I have just mentioned were those on the
 North slopes guarding ^{the} approaches to the

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main hill, because it is just West of point "K" on the map that his forces are shown as splitting into two columns. So I repeat ~~what~~ that the Prosecution has not proved that any part of SHOOT Unit went near the place where the incident related by Marsh took place.

As regards the Land incident I submit that again the Prosecution has produced no proof that the Japanese soldiers concerned were members of SHOOT Unit. It is not clear from ^{the} various affidavits where the incident took place; but from Bradbury's statement it seems that it was on Jardine's lookout and as these Canadians had fallen back

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from the area of Tai Tam Reservoir, it was
presumably on the East slopes of the hill,
and there is nothing to show that it was
in the SHOSI Unit's sphere of operations.

Still less ^{has} ~~as~~ it been shown that the Troops
who escorted Miron, Bradbury and ^{the} others
to North Point and were responsible for the
alleged bayoneting of Kilfoyle and others,
belonged to SHOSI Unit. On the contrary
I consider it certain that the H.K.V.D.C. men
at the "Red" Store were not captured by SHOSI
Unit; and in fact that Miron,
Bradbury and other Canadians as well as
Sgt. March were kept in the same ~~the~~ mess
hut with ^{the} H.K.V.D.C. men from ^{the} "Red" Store

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is a pointer to the fact that the Canadians also were captured by a ~~unit~~ unit other than 84051 Unit.

The affidavits of Hiscox and Haddad also describe bayoneting and ill-treatment of prisoners, ~~and~~ but also give no indication that the Japanese troops concerned were under the command of the accused. On the contrary Hiscox states definitely that the troops who did ^{the} bayoneting were from an artillery unit because ^{their} ~~the~~ weapons were light artillery carried on pack-horses. The fact that Hiscox describes this incident as having taken place at Wong Nei Chong Gap is no proof that 84051's troops were

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concerned, because the fighting was so confused and many Japanese units were very close together and the term Wong Kei Chong Gap can be interpreted in many different ways.

As to Kipling there is no mention in his affidavit of where he ~~was~~^{saw} some wounded bayoneted to death, except that it seems to have been somewhere near the mess hut by Stanley Gap Road, ~~at~~^{on} who were the Japanese troops concerned.

Childs says he was captured on Mt. Butler which was well outside the 84001 Unit's area and says, "I could not identify the Japanese concerned with beating of prisoners at the hut to which he was

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taken.

It appears that the Canadian H.Q. by Wong Kei Chong Gap was captured by a platoon of the SHOTJ Unit and that among ^{the} ~~those~~ prisoners taken there were Williamson, Mondor, Philip and Tamworth. But it cannot be regarded as definitely proved that these men were captured by SHOTJ Unit because the Canadian H.Q. covers a considerable area and it is quite possible that part of it was captured by SHOTJ's men and part by those of another unit. The only ill-treatment alleged to have been committed by the troops who took the above mentioned witnesses

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 prisoner was the ~~time~~ tying of their hands.
 But Capt. Philip, who could best judge the
 circumstances on the spot, does not appear
 to ~~have resented~~ ^{have resented} ~~represent~~ this, because he says that
 "the combatants Japanese troops to whom
 we surrendered treated us very reasonably
 in the circumstances." And this, ~~might~~
~~if it be regarded as~~
~~form of ill-treatment, can easily be~~
~~excused on the grounds of military nec-~~
~~essity - that the badly mauled Japanese~~
~~units could not spare a single extra~~
~~man to escort prisoners who could~~
~~have~~
~~easily escaped if unbound, if this was~~
 purely a temporary measure.

These four witnesses who appear to have

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been taken prisoners at the Canadian H.Q.,
also alleged ill-treatment of various kinds
after they had been taken away from
the place where they were captured.

Capt. Philip definitely says that the ill-
treatment only started after they had
been handed over to second line troops,
that is ~~really~~ clearly troops other than
the 84551 Unit which was the first
line unit; and there is nothing in the
evidence of ^{the} other witnesses to contradict
Philip's statement. We may therefore say
that the Prosecution has not proved that
the ill-treatment done on the way to
North Point was done by troops of 84551.

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Unit. But it may be said by the Prosecution that although the escorts did not belong to the

- SHOSI Unit, nevertheless since the accused did give instructions to ~~the~~ certain escorts about treatment of prisoners, some escorts may be considered to have been under SHOSI's command to some extent. ^{although} ~~it~~

^{at any rate} has
 It ~~is~~ not been proved that those who escorted Philip, Tamworth and ^{the} others were among these. ^{And Ushiyama said the KEMPEI escorts were under ~~the~~ command of the Medical Unit directly under the Divisional Commander.}

About the incident described by Lt. Cunningham I need only say that he does not tell us where the Advanced Dressing Station was, or who were the Japanese troops concerned; and so there is no proof that SHOSI Unit was responsible.

It may be that in spite of all I

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have said about the lack of proof that SHOT's troops were concerned, that the Prosecution bases ^{its} ~~that~~ argument on the following statements in the abstract of evidence: "as also appears in the accused's statements, no other troops except those from his ^{own} Regiment participated in fighting in the Wong Nei Chong Gap area until the night of the 20th or 21st December 1941." But I submit that there is no foundation for this statement: the accused in his report (§13) says that part of Tanaka Unit was seen by him on the Stanley Gap Road just after mid-day on the 19th, and he ^{nowhere} ~~not~~ states that there was no other unit besides his own was in the area, or it inter-

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~~Interpreted~~ widely, ~~Loona~~^{or} narrowly, before the 20th.

The Prosecutor may also put much stress on the accused's statement that "the only prisoners captured in Wong Kei Chong Gap were taken by SHOTI Buter".

Even if this statement is accepted as it stands the Prosecution cannot be justified in interpreting the words "Wong Kei Chong Gap" as meaning the ^{general} square mile or that area ~~area~~ in which ~~at~~ atrocities are alleged to have been committed. From the fact alone that ^{accused} he says in his report that he was told that Doi Unit had captured a great many prisoners, it is clear that he

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was only referring to a very small area
when ~~the~~ using the words "Wong Nei Chong
Gaps".

I consider therefore that I have clearly
shown that the various atrocities were no
concern of SHOSI Unit. I realize ~~further~~
however that it is conceivable that the
Court may consider members of SHOSI
Unit to have been proved to have
bound prisoners and ~~failed~~ refused to
~~to~~ allow prisoners to return and fetch
wounded. I have already spoken about
the former, and the latter cannot in
itself, and no more has been proved,
be called a crime.

Now the second stage in the Prosecution!

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attempted proof of the charge had to be that he accused himself was concerned in the ill-treatment and killing; and to do this it had to be proved that he accused ^{ordered} ~~know~~ these incidents, knew of them and acquiesced in them and failed to punish the perpetrators, or did not know of them because he failed to supervise his subordinates properly. I submit that these things have not been proved.

Therefore I ask the Court to acquit the accused now on the ground that there is no case to answer.

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D(1)
RCLSUBMISSION OF "NO CASE TO ANSWER"BY DEFENCE COUNSEL

The Defence Counsel (Mr Junjiro Takano) said;

May it please the Court.

I wish to make a submission that there is no case to answer and that I need not be called upon to present the defence case.

The Prosecution sought to prove that the accused was concerned in the ill-treatment of the prisoners in the Wongneichong Gap area between December 17 and 26, 1941. Having produced evidence that various cases of ill-treatment did occur in this area between these dates, the Prosecution had next to prove that the Japanese troops concerned in these incidents were troops under the command of the accused.

So I wish now to go over each of the alleged incidents in turn and ask the Court to consider whether or not this has been proved in each case.

The first incident was that about which evidence was given in Court by Cheung Shui-ling, Fincher, Winyard and Zimmern; when it is alleged that the defenders of the "Q" Store on Stanley Gap Road were beaten up and some killed without provocation after they had surrendered to Japanese troops. The Prosecution has failed to prove that the troops to whom these people surrendered and who were responsible for the ill-treatment and killing were members of Shoji unit. The Prosecution has not even proved that any troops belonging to Shoji unit passed that spot.

Admittedly it is stated in the accused's report that his troops captured the anti-aircraft position near the "Q" Store where in 1942 an explanation of the battle was given; and the Prosecution may suggest, though they cannot prove, that if a part of the Shoji unit went so near the "Q" Store as the anti-aircraft position, then part of the Shoji unit also reached the "Q" Store itself. The Defence can show that the part of the Shoji unit which went to the anti-aircraft position was only a passing isolated patrol and the Prosecution cannot prove otherwise. And further, the lines drawn on the map (Exhibit A1) by the accused to indicate the routes taken by the troops of his unit show that his troops did not pass along Stanley Gap Road. On the contrary, Capt Uchiyama, although not an eye-witness, gave evidence that it was explained to him that the Doi and Tanaka units moved along the Stanley Gap Road.

The next incident referred to in the abstract of evidence is that of Sgt Marsh who clearly states in his affidavit that the position which he was defending was on the top of Jardine's Lookout. The Prosecution has not proved that any part of the Shoji unit went near the top of this hill. The Prosecution may wish to interpret the accused's statement that the Unno raiding patrol of the Shoji unit captured the pill-boxes on Jardine's Lookout, and his statement that it was decided that the main forces of his unit should pass to the right of the pill-boxes and No. 2 battalion should go to the left and clear out the pill-boxes round Jardine's Lookout as showing that the whole of Jardine's Lookout was to be captured by the Shoji unit. But it is clear from the lines drawn on the map by the accused that his troops only passed across the north and west slopes of Jardine's Lookout and that the pill-boxes referred to in the statements I have just mentioned were those on the north slopes guarding the approaches to the main hill, because it is just west of point "K" on the map

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that his forces are shown as splitting into two columns. So I repeat that the Prosecution has not proved that any part of the Shoji unit went near the place where the incident related by Marsh took place.

As regards the Land Incident, I submit that again the Prosecution has produced no proof that the Japanese soldiers concerned were members of Shoji unit. It is not clear from the various affidavits where the incident took place; but from Bradbury's statement it seems that it was on Jardine's Lookout and as these Canadians had fallen back from the area of Tai Tam Reservoir, it was presumably on the east slopes of the hill, and there is nothing to show that it was in the Shoji's sphere of operations. Still less has it been shown that the troops who escorted Miron, Bradbury and the others to North Point and were responsible for the alleged bayonetting of Kilfoyle and others, belonged to Shoji unit. On the contrary, I consider it certain that the H.K.V.D.C. men at the "Q" Store were not captured by Shoji unit; and I feel that the fact that Miron, Bradbury and other Canadians as well as Sgt Marsh were kept in the same mess hut with the H.K.V.D.C. men from the "Q" Store is a pointer to the fact that the Canadians also were captured by a unit other than Shoji unit.

The affidavits of Hiscox and Haddad also describe bayonetting and ill-treatment of prisoners, but also give no indication that the Japanese troops concerned were under the command of the accused. On the contrary, Hiscox states definitely that the troops who did the bayonetting were from an artillery unit because their weapons were light artillery carried on pack-horses. The fact that Hiscox describes this incident as having taken place at Wongneichong Gap is no proof that Shoji's troops were concerned, because the fighting was so confused and many Japanese units were very close together and the term Wongneichong Gap can be interpreted in many different ways.

As to Kipling, there is no mention in his affidavit of where he saw some wounded bayoneted to death, except that it seems to have been somewhere near the mess hut by Stanley Gap Road, or who were the Japanese troops concerned.

Childs says he was captured on Mount Butler, which was well outside the Shoji unit's area and says, "I could not identify the Japanese concerned" with beating of prisoners at the hut to which he was taken.

It appears the Canadian HQ by Wongneichong Gap was captured by a platoon of the Shoji unit and that among the prisoners taken there were Williamson, Mondor, Philips and Tamworth. But it cannot be regarded as definitely proved that these men were captured by the Shoji unit because the Canadian HQ covers a considerable area and it is quite possible that part of it was captured by Shoji's men and part by those of another unit. The only ill-treatment alleged to have been committed by the troops who took the above mentioned witnesses prisoner was the tying of their hands. But Capt Philips, who could best judge the circumstances on the spot, does not appear to have resented this, because he says that "the combatant Japanese troops to whom we surrendered treated us very reasonably in the circumstances." This was purely a temporary measure.

These four witnesses who appear to have been taken prisoner at the Canadian HQ also allege ill-treatment of various kinds after they had been taken away from the place where they were captured. Capt Philips definitely says that the ill-treatment only started after they had been handed over to second line troops, that is clearly troops other than the Shoji unit, which was a first line unit; and there is nothing in the evidence of the other

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witnesses to contradict Philips' statement. We may therefore say that the Prosecution has not proved that the ill-treatment done on the way to North Point was done by troops of Shoji unit. But it may be said by the Prosecution that although the escorts did not belong to the Shoji unit, nevertheless since the accused did give instructions to certain escorts about treatment of prisoners, some escorts may be considered to have been under Shoji's command to some extent; and Uchiyama said the Kempei escorts were under the command of the Medical unit directly under the Divisional Commander. At any rate, it has not been proved that those who escorted Philips, Tamworth and the others were among these.

About the incident described by Sgt Cunningham, I need only say that he does not tell us where the Advanced Dressing Station was, or who were the Japanese troops concerned; and so there is no proof that Shoji unit was responsible.

It may be that in spite of all I have said about the lack of proof that Shoji's troops were concerned, that the Prosecution bases its argument on the following statement in the abstract of evidence: "As also appears in the accused's statements, no other troops except those from his own Regiment participated in fighting in the Wongneichong Gap area until the night of December 20 or 21, 1941." But I submit that there is no foundation for this statement: the accused in his report (page 13) says that part of Tanaka unit was seen by him on the Stanley Gap Road just after midday on December 19, and he nowhere states that there was no other unit besides his own was in the area, be it interpreted ~~widely~~ widely or narrowly, before December 20.

The Prosecution may also put much stress on the accused's statement that "the only prisoners captured in Wongneichong Gap were taken by Shoji Butai." Even if this statement is accepted as it stands, the Prosecution cannot be justified in interpreting the words "in Wongneichong Gap" as meaning the square mile in that general area in which atrocities are alleged to have been committed. From the fact alone that the accused says in his report that he was told that Doi unit had captured a great many prisoners, it is clear that he was only referring to a very small area when using the words "in Wongneichong Gap."

I consider therefore that I have clearly shown that the various atrocities were no concern of Shoji unit. I realise however that it is conceivable that the Court may consider members of Shoji unit to have been proved to have bound prisoners and refused to allow prisoners to return and fetch wounded. I have already spoken about the former, and the latter cannot in itself, and no more has been proved, be called a crime.

Now the second stage in the Prosecution's attempted proof of the charge had to be that the accused himself was concerned in the ill-treatment and killing, and to do this it had to be proved that the accused ordered these incidents, knew of them and acquiesced in them and failed to punish the perpetrators, or did not know of them because he failed to supervise his subordinates properly. I submit that these things have not been proved.

Therefore I ask the Court to acquit the accused now on the ground that there is no case to answer.

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